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Illinois Register

Rules of Governmental Agencies

Volume 23, Issue 06 — February 05, 1999

Pages 1,465 – 2,434

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>

published by
Jesse White
Secretary of State



Printed on recycled paper

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 16, 1999 - Issue 16: Through	March 31, 1999
July 16, 1999 - Issue 29: Through	June 30, 1999
October 15, 1999 - Issue 42: Through	September 30, 1999
January 14, 2000 - Issue 3: Through	December 31, 1999 (Annual)

Printed by authority of the State of Illinois
February 1999 - 700 - GA-650

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Reading Improvement Program

- 2) Code Citation: 23 Ill. Adm. Code 260

- 3) Section Numbers:

260.30 Amendment

260.50 Amendment

260.55 New Section

260.70 Amendment

- 4) Statutory Authority: 105 ILCS 5/2-3.51

- 5) A Complete Description of the Subjects and Issues Involved:

This is the second of two sets of amendments to Part 260 that are needed to implement new provisions of Section 2-3.51 of the School Code. The law now requires demonstration of progress in students' reading achievement in order for districts and laboratory schools to be eligible for continued funding after the first two years of the program. That requirement was instituted by P.A. 90-548, enacted in December of 1997. It was subsequently modified by P.A. 90-640, enacted last July, to allow applicants to propose methods of measuring students' reading performance other than, or in addition to, scores on the reading portion of the State assessment.

This set of amendments responds to these requirements. It requires applicants to describe the methods they propose to use and sets some standards for those methods, whether standardized, commercially available, or locally developed. The rules will allow districts some significant flexibility in choosing their methods, in that they may measure the progress of just those students affected by this program or of all students at a particular point. It is up to the district (or eligible laboratory school) to justify the proposed method and describe how it will allow for "performance progress" to be demonstrated.

Similarly, the definition of "performance progress" is intended to be broad enough to encompass the various ways in which performance or achievement might be expressed with respect to many different forms of assessment. Every effort has been made to avoid creating an incentive for districts to increase the use of standardized testing, particularly with regard to young students for whom it may not be useful or appropriate. It was our intention to give districts a clear opportunity to use the forms of measurement they are already using rather than causing them to have to change.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: Recipients of funds pursuant to this Part must submit applications and annual reports on forms supplied by the State Board.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 9: SPECIAL COURSES OF STUDY

PART 260

READING IMPROVEMENT PROGRAM

Section

260.10 Definitions (Repealed)

260.20 Purpose

260.30 Eligible Applicants

260.40 Allowable Expenditures

260.50 Procedure and Criteria for Approval of Applications

260.55 Eligibility for Continued Funding

260.60 Allocation of Funds (Repealed)

260.70 Distribution of Grant Awards

260.80 Reporting

AUTHORITY: Implementing and authorized by Section 2-3.51 of the School Code [105 ILCS 5/2-3.51].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15967, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7757, effective April 29, 1986; amended at 14 Ill. Reg. 20714, effective December 14, 1990; amended at 16 Ill. Reg. 14196, effective September 8, 1992; amended at 22 Ill. Reg. 19763, effective October 30, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 260.30 Eligible Applicants

Eligible applicants are public school districts and public university laboratory schools providing instruction in grades K-6. Commencing with Fiscal Year 2002, eligible applicants shall be only those that have made performance progress as required by Section 2-3.51 of the School Code (see Section 260.55 of this Part).

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 260.50 Procedure and Criteria for Approval of Applications

- a) The State Board of Education shall provide application forms and shall notify each eligible applicant of the maximum amount of its entitlement pursuant to Section 2-3.51 of the School Code. Each application form shall set forth the applicant's most recent available scores on the reading portion of the State assessment required pursuant to Section 2-3.64 of the School Code and shall require the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

applicant to provide:

- 1) a total grant request equal to or less than the amount for which the applicant is eligible;
- 2) assurance that the applicant will comply with the provisions of Section 2-3.51 of the School Code and this Part; and
- 3) information identifying the purposes for which the applicant plans to use the funds provided pursuant to this Part; and
- 4) the information called for in Section 260.55(a) through (d) of this Part.

b) Applications must be submitted to the State Board of Education by the date specified on the form. This date will be determined so that all eligible applicants will have at least 30 days to complete and submit the form. An applicant's failure to comply with this requirement will delay its receipt of program assistance pursuant to Section 260.70 of this Part.

c) Information provided in the application will be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Section 2-3.51 of the School Code and this Part.

d) State Board staff shall notify applicants of any requested information that is missing from the application. An application shall not be approved for funding until it is complete.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 260.55 Eligibility for Continued Funding

Section 2-3.51 of the School Code provides that districts not demonstrating performance progress using an approved assessment method shall not be eligible for funding in the third or subsequent years until such progress is established. Each application for funding under the Reading Improvement Block Grant program shall include a proposed assessment method or methods for measuring student reading skills and shall be submitted by the deadline announced by the State Superintendent of Education.

- a) Each application shall list or describe the method or methods the applicant proposes to use to measure students' reading skills. Such methods may include the reading portion of the Illinois Goals and Assessment Program (Section 2-3.51 of the School Code).

1) If a proposed assessment instrument is a standardized or commercially available criterion-referenced test, the applicant shall assure the State Superintendent that the instrument meets the generally accepted standards of validity and reliability set forth in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association, 1200 7th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated.)

- 2) If a proposed assessment instrument is locally developed or

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

chosen, the applicant shall:

- A) indicate the acceptable standard of performance on that measure; and
 - B) certify to the State Superintendent that the instrument measures what it is intended to measure and can be expected to yield consistent results, including a description of the methods by which the applicant's staff arrived at the conclusion that this is the case.
- 3) Results of the proposed method(s) must be expressed in quantifiable terms, such as the percentage of students achieving a passing score or meeting an established standard.
- 4) Each application shall describe the population of students whose reading performance will be measured.
- 1) For purposes of demonstrating performance progress, measurement may be conducted on a districtwide basis (e.g., all fourth-graders) or may involve only the students who are affected by the provision of services under this program.
 - A) If measurement is to be conducted on a districtwide basis, the population of students whose performance is assessed by the proposed method(s) must include at least all the students who would be required to participate in the reading portion of the State assessment pursuant to Section 2-3.64 of the School Code [105 ILCS 5/2-3.64] if they were in grade 3 or 5.
 - B) If measurement is to involve only groups of students affected by the provision of services under the Reading Improvement Program, all affected students shall be included. For example, if Reading Improvement Program funds are used to lower class size, all the students in all affected classrooms must be included in reporting of results.
 - 2) Measurement may involve affected cohorts of students at several points in their educational careers or may involve successive groups of students at the same point. For example, students whose performance was measured in the fourth grade may be retested in the fifth grade to demonstrate progress; or fourth-grade students may be pre- and post-tested or tested for several years in a row to demonstrate progress.
 - 3) Each application shall describe how the proposed method or methods will permit the applicant to demonstrate performance progress as defined in subsection (h) of this Section. If the proposed methods differ from one year to the next, this description shall provide a rationale for the proposed change and specific information about how the necessary comparisons can be made.
 - 4) Each application shall assure the State Superintendent that the applicant will take such measures as may be necessary to prevent inappropriate disclosure of test questions or other materials that form part of the proposed assessment method(s).

STATE BOARD OF EDUCATION

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- e) The State Superintendent of Education shall approve the method or methods proposed if the application complies with subsections (a) through (d) of this Section.
- f) No later than 60 days after the due date established for applications, the State Superintendent shall notify each applicant whether its proposed method of measuring students' reading skills is approved. Failure to apply in a timely manner may delay an applicant's receipt of this response. In the case of a disapproval, the applicant shall be notified of the reason for the disapproval and of any modifications that would bring its proposed method into compliance with the requirements of this Section. An applicant may revise and seek approval of its proposed method so long as time remains in which to implement the method after its approval.
- g) Commencing with the 2000-2001 school year, each applicant shall annually report to the State Superintendent of Education its reading results for the previous school year. This report shall be made no later than November 1 on a form to be supplied by the State Superintendent. An applicant that fails to submit its report of reading results in a timely fashion shall forfeit any grant funds to which it would otherwise be eligible for the affected school year pursuant to this Part, due to the necessity for the State Superintendent to calculate grant allocations and notify all districts and affected public university laboratory schools of their eligibility and allocation amounts.
- h) Commencing with the 2001-2002 school year, an applicant will be eligible for continued funding only if its assessment results on the approved measure(s) for the preceding year indicate that it made "performance progress" as required by Section 2-3.51 of the School Code. "Performance progress" means any of the following:
 - 1) A higher percentage of students scored at or above the locally established standard on the approved measure(s) of reading performance (e.g., achieved passing scores, grade-level equivalents, criterion reference points, or local benchmarks) than in the preceding testing cycle.
 - 2) The average score achieved by students on the approved measure(s) rose in comparison to the average for the preceding testing cycle.
 - 3) A higher percentage of students scored in the top two quartiles on the approved measure(s) than in the preceding testing cycle, or a lower percentage of students scored in the bottom quartile.
 - 4) An increased percentage of students moved into a higher quartile than was the case in the preceding testing cycle.
 - 5) The degree by which students fell short of meeting the established standard on the approved measure(s) lessened in comparison to the preceding testing cycle.
 - 6) A lower percentage of students in grades higher than those served by this program required ongoing remedial services than in the preceding year.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

7) An applicant with 90% or more of scores at or above the established standard maintained its performance in comparison to the preceding testing cycle.

1) Beginning with the 2001-2002 school year, the State Superintendent shall notify any applicant whose results on its approved measure(s) of reading performance contradict its State assessment scores in reading for either grade 3 or grade 5. No later than 30 days after receipt of such notification, the applicant shall provide to the State Superintendent an analysis of this discrepancy and the applicant's rationale for concluding that it has nevertheless made performance progress.

1) An applicant may appeal either disapproval of its proposed assessment method(s) or a determination that it has failed to make performance progress. In the latter case, the applicant may appeal either on the grounds that it has made performance progress or on the grounds that the factors that led to such failure were beyond the applicant's control.

1) The superintendent or chief administrator of an eligible applicant may request a conference at which representatives of the applicant will have an opportunity to discuss the issues involved with representatives of the State Board of Education.

2) If a conference is held and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the ways in which the proposed method meets the requirements of Section 2-3.5l of the School Code and this Section, the way in which the information submitted demonstrates that performance progress has been made, or the external factors that led to its inability to make performance progress, as applicable.

3) The applicant will be given an opportunity to present information relevant to the issues appealed. The State Superintendent of Education will consider the appeal and issue a final written determination.

4) An applicant's eligibility for funding shall not be interrupted for failure to make performance progress if the State Superintendent determines that such failure was beyond the applicant's control and that the applicant plans to take specific steps in the immediate future to enable it to resume making performance progress.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 260.70 Distribution of Grant Awards

Distribution of grant awards to eligible recipients shall be made on or before the dates specified in Section 2-3.5l of the School Code, provided that complete applications have been received by the State Board of Education by the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

date specified on the application form.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULE

1) Heading of the Part: Freedom of Information2) Code Citation: 2 Ill. Adm. Code 30013) Section Numbers: Proposed Action:

3001.10	New
3001.20	New
3001.100	New
3001.110	New
3001.200	New
3001.210	New
3001.300	New
3001.310	New
3001.400	New
3001.410	New
3001.420	New
3001.Appendix A	New

4) Statutory Authority: The Illinois Administrative Procedure Act [5 ILCS 100] and the Illinois Freedom of Information Act [5 ILCS 140]5) A Complete Description of the Subjects and Issues Involved: Creates the freedom of information rules by which the Procurement Policy Board will operate.6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: The rule does not create or expand state mandates.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment in writing during the first notice period to:

Procurement Policy Board
 Matt Brown, Senior Analyst
 108 Statehouse
 Springfield IL 62706
 (217) 782-4520
 Fax: (217) 524-1514

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULE

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, small municipalities and not for profit corporations are affected.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Procurement Policy Board is a new State agency formed less than one year ago. The Board has not had an opportunity to publish a regulatory agenda but intends to do so in the near future.

The full text of the Proposed Rule begins on the next page:

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULE

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES
 CHAPTER LX: PROCUREMENT POLICY BOARD

PART 3001

FREEDOM OF INFORMATION

SUBPART A: INTRODUCTION

Section
 3001.10 Summary and Purpose
 3001.20 Definitions

SUBPART B: REQUEST PROCEDURES

Section
 3001.100 Person to Whom Requests are Submitted
 3001.110 Form and Content of Requests

SUBPART C: PROCEDURES FOR FREEDOM OF INFORMATION
 OFFICER'S RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section
 3001.200 Timeline for Freedom of Information Officer's Response
 3001.210 Types of Responses to Requests for Public Records

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
 3001.300 Appeal of a Denial
 3001.310 Executive Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS
 TO REQUESTORS

Section
 3001.400 Copies of Public Records
 3001.410 Inspection of Records
 3001.420 General Materials Available from the Office of the Board
 APPENDIX A Fee Schedule for Duplication of Public Records

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 23 Ill. Reg. _____, effective _____.

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULE

SUBPART A: INTRODUCTION

Section 3001.10 Summary and Purpose

- a) This Part is established to further the policy of the State of Illinois whereby all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Freedom of Information Act [5 ILCS 140/1]. The purpose of this Part is to support the policy of providing public access to the public records in the possession of the Procurement Policy Board (Board) while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) This Part creates a procedure by which the public may request and obtain public records. Therefore, it is being filed in accordance with Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and Section 3(g) of the Freedom of Information Act [5 ILCS 140/3(g)].

Section 3001.20 Definitions

- a) Terms used in this Part shall have the same meaning as in Section 2 of the Freedom of Information Act [5 ILCS 140/2].
- b) "FOIA" means the Freedom of Information Act [5 ILCS 140].
- c) "Freedom of Information Officer" means the individual responsible for receiving and responding to requests for public records.
- d) "Requestor" means a person who submits a request for public records in accordance with this Part.

Section 3001.100 Person to Whom Requests are Submitted

Requests for public records shall be submitted to:

Freedom of Information Officer
 Procurement Policy Board
 108 Statehouse
 Springfield IL 62706

Section 3001.110 Form and Content of Requests

- a) Requests for public records shall be in writing.
- b) The requestor shall provide the following information in a request for public records:
- 1) The requestor's full name, address and telephone number.
 - 2) A brief description of the public records sought, being as specific as possible.
 - 3) A statement of whether the request is for inspection of public

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULE

records, copies of public records, or both.

- 4) A statement of whether the records need to be certified.

Section 3001.200 Timeline for Freedom of Information Officer's Response

- a) The Freedom of Information Officer shall respond to a written request for public records within 7 working days after the receipt of such request pursuant to Section 3(c) of FOIA.
- b) The Freedom of Information Officer will either comply with or deny a written request for public records within 7 working days after its receipt. The Freedom of Information Officer may extend the 7 day period an additional 7 working days for any of the reasons specified in Section 3(d)(i)-(vii) of FOIA. The Freedom of Information Officer will notify by letter the person making the written request within 7 working days (after receipt of the request) of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. [5 ILCS 140/3(c)]

Section 3001.210 Types of Responses to Requests for Public Records

- a) The Freedom of Information Officer shall respond to a request for public information in writing, in one of three ways:
- 1) Approve the request.
 - 2) Approve in part and deny in part.
 - 3) Deny the request.
- b) The response shall be signed by the Freedom of Information Officer.
- c) Upon approval of a request for public records, the Freedom of Information Officer shall either provide the materials immediately, give notice that materials shall be made available upon payment of reproduction costs, give notice of the time and place for inspection of records, or request that the requestor contact the Freedom of Information Officer to schedule a time and place for the inspection of records.
- d) Categorical requests considered by the Freedom of Information Officer to be unduly burdensome shall be denied pursuant to Section 3(f) of FOIA. Before making this determination, the Freedom of Information Officer shall provide an opportunity to the requestor to confer and reduce the request to manageable proportions. The Freedom of Information Officer shall consider a request to be unduly burdensome if the burden on the Office of the Board outweighs the public interest in the information. Repeated requests for the same public records by the same person shall be deemed unduly burdensome pursuant to Section 3(f) of FOIA.
- e) A denial of a request for public records shall be made in writing and shall state the reasons for the denial and the names and titles of the individuals responsible for the decision pursuant to Section 9(a) of FOIA. Denials of requests determined to be unduly burdensome shall also explain the extent to which compliance with the request would

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULE

unduly burden the operations of the Office of the Board pursuant to Section 3(f) of FOIA. Each notice of denial shall inform the requestor of his/her right to appeal to the Executive Director [5 ILCS 140/9].

f) Failure to respond to a written request within 7 working days after its receipt by the Office of the Board shall be considered by the requestor to be a denial of the request [5 ILCS 140/3(c)].

Section 3001.300 Appeal of a Denial

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Executive Director pursuant to Section 10 of FOIA. The notice of appeal shall be made in writing and sent to:

Board Chair
Procurement Policy Board
108 Statehouse
Springfield IL 62706

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor and a statement of the reasons why the appeal should be granted. If the appeal is filed because the requestor did not receive a response to a written request for information, the notice of appeal shall state that this is the reason for the appeal.

Section 3001.310 Executive Director's Response to Appeal

- a) Upon receipt of the notice of appeal the Executive Director shall review the public record requested and shall determine whether such record is available for public inspection and copying. The Executive Director shall notify the person making the appeal of such determination within 7 working days after the notice of appeal is received, pursuant to Section 10(a) of FOIA.
- b) If the Executive Director determines the public record is exempt from public inspection the Executive Director shall notify the requestor in writing of the denial and the reasons for the denial and shall inform the requestor of his/her rights to judicial review under Section 11 of FOIA [5 ILCS 140/9(a)].

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS
TO REQUESTORS

Section 3001.400 Copies of Public Records

- a) Copies of public records shall be provided to the requestor only upon payment of any charges that are due except as provided in subsection

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULE

- (c) of this Section.
- b) Charges for the certification and copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records" (see Appendix A of this Part).
- c) *Charges may be waived in any case where the Freedom of Information Officer determines that the waiver serves the public interest pursuant to Section 6(b) of FOIA. The Freedom of Information Officer will base this determination on the requestor's ability to pay the charges and whether the requestor's organization serves the citizens of Illinois as a whole.*

Section 3001.410 Inspection of Records

- a) Records of the Board shall be available unless otherwise exempt under Section 7 of FOIA, during the hours of 8:30 a.m. through 5 p.m. Monday through Friday (except for State holidays) at 108 Statehouse, Springfield, Illinois 62706. Requestors must contact the Freedom of Information Officer to schedule an appointment to inspect requested records.
- b) An employee of the Board may be present throughout the inspection. A requestor will be prohibited from bringing bags, briefcases or other containers into the inspection room.
- c) Documents that the requestor wishes to have copied shall be segregated during the course of the inspection. All copying shall be done by Board employees.

Section 3001.420 General Materials Available from the Office of the Board

The following materials shall be made available by the Office of the Board without charge pursuant to Sections 4 and 5 of FOIA:

- a) *A brief description of the organizational structure and budget of the Office of the Board.*
- b) *A brief description of the means for requesting information and public records.*
- c) *A list of types and categories of public records maintained by the Office of the Board.*

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULE

Section 3001.APPENDIX A Fee Schedule for Duplication of Public Records

Type of Duplication	Per Copy Charge
Paper copy from paper original	\$.25
Paper copy from microfilm original	\$.50
Certification fee	\$1.00

Some records possessed by the Board are in book or pamphlet form. The charge for such materials shall be the cost of such materials incurred by the Board.

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: General Policies

2) Code Citation: 2 Ill. Adm. Code 3002

3) Section Numbers: Proposed Action:

3002.100	New
3002.200	New
3002.300	New
3002.400	New
3002.500	New
3002.600	New
3002.700	New
3002.800	New
3002.900	New
3002.1000	New
3002.1100	New
3002.1200	New

4) Statutory Authority: Illinois Procurement Code [30 ILCS 500]

5) A complete description of the subjects and issues involved: Creates the general policy rules by which the Procurement Policy Board will operate.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this part? No

10) Statement of Statewide Policy Objectives: This rule does not create or expand State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Procurement Policy Board
 Matt Brown, Senior Analyst
 108 Statehouse
 Springfield IL 62706
 (217) 782-4520
 Fax: (217) 524-1514

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

B) Reporting, bookkeeping or other procedures required for compliance: Publication of Board agendas and Board action in the Illinois Procurement Bulletin.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Procurement Policy Board is a new State agency formed less than one year ago. The Board has not had an opportunity to publish a regulatory agenda but intends to do so in the near future.

The full text of the Proposed Rules begins on the next page:

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LX: PROCUREMENT POLICY BOARD

PART 3002
GENERAL POLICIES

Section	Authority and Purpose
3002.100	Definitions
3002.200	Agenda
3002.300	Meetings of the Board
3002.400	Board Review
3002.500	Publication of Notices, Proposals and Action by the Board
3002.600	Comments from the Public
3002.700	Petition to the Board by Public
3002.800	Submission of Complaints
3002.900	Obtaining Other Information
3002.1000	Coordination with State Agencies and the General Assembly
3002.1100	Coordination with the Joint Committee, Administrative Code Division and CPOs
3002.1200	

AUTHORITY: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 23 Ill. Reg. _____, effective _____.

Section 3002.100 Authority and Purpose

The Board shall have the authority and responsibility to review, comment upon, and recommend, consistent with the Procurement Code, rules and practices governing the procurement, management, control, and disposal of supplies, services, professional and artistic services, construction, and real property and capital improvement leases procured by the State [30 ILCS 500/5-5].

Section 3002.200 Definitions

"Act" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Administrative Code Division" means the unit of the Office of the Secretary of State Index Department that publishes the Illinois Administrative Code and the Illinois Register and with which rules are filed.

"Board" means the Procurement Policy Board.

"Certificate of Action" means a certificate issued by the Board that

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

states any action taken by the Board that creates or changes procurement policy.

"Code" means the Illinois Procurement Code [30 ILCS 500].

"Joint Committee" means the Joint Committee on Administrative Rules created by Section 5-90(a) of the Act.

"Rule" means each agency statement of general applicability that implements, applies, interprets or prescribes law or policy, and that affects the private rights of or procedures available to persons or entities outside the agency, but does not include statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, informal advisory rulings issued under Section 5-150 of the Act, intra-agency memoranda or the prescription of standardized forms [5 ILCS 100/1-70].

"Illinois Procurement Bulletin" or "Procurement Bulletin" means that publication enumerated in Article 15 of the Code.

"State Agency" means each type of entity enumerated in Section 1-15.100 of the Code.

Section 3002.300 Agenda

The agenda of meetings and hearings held by the Board will be set by the Board and will be made available to the public as well as published in the Procurement Bulletin.

Section 3002.400 Meetings of the Board

All hearings of the Board are open to the public. The Board will accept and consider written comments by members of the public prior to Board meetings, time permitting.

Section 3002.500 Board Review

The Board may conduct reviews of procurement policy requested by members of the public, State Agencies and the General Assembly. Upon receipt of a request to conduct a review, the Board will respond to the requestor within 10 business days as to the disposition of the request.

Section 3002.600 Publication of Notices, Proposals and Action by the Board

All notices, proposals and certificates of action issued by the Board shall be published in the Illinois Procurement Bulletin as provided for in Section 15-10 of the Code [30 ILCS 500/15-10].

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

Section 3002.700 Comments from the Public

The Board will encourage members of the public to submit comments directly to the Board. In relation to problems with existing policy, the Board will encourage members of the public to petition directly to any agency involved for their consideration as well. This policy will not limit the Board from considering comments or problems not submitted to the agency first.

Section 3002.800 Petition to the Board by Public

Members of the public may petition the Board for adoption, modification or repeal of the rules of the Board as provided under Section 5-145 of the Act [5 ILCS 100/5-145]. The Board will consider such petitions and inform the petitioner of the disposition of the petition in writing. Such petitions must be in writing and must contain the following information:

- a) The names and addresses of the persons or groups presenting the petition;
- b) The specific rules of the Board that the petitioner believes should be modified or repealed or the specific language the petitioner believes should be adopted as a rule by the Board;
- c) A description of the effect of the rules or lack of rules on the persons or groups presenting the petition;
- d) The specific reasons the petitioner believes that the Board should take the rulemaking action; and
- e) Any additional facts or documentation necessary to explain and support the petition.

Section 3002.900 Submission of Complaints

Interested persons or groups may submit complaints to the Board. Complaints should be addressed to Board members or the Executive Director, Procurement Policy Board, 108 Statehouse, Springfield, Illinois 62706. Each complaint must include at a minimum:

- a) The names and addresses of the persons or groups presenting the complaint;
- b) The specific issue of the complaint;
- c) The specific reasons the complainant believes that the Board should take action; and
- d) Any additional facts or documentation necessary to explain and support the complaint.

Section 3002.1000 Obtaining Other Information

Other information about the operation and programs of the Procurement Policy Board may be obtained by addressing specific questions to the Executive Director, Procurement Policy Board, 108 Statehouse, Springfield, Illinois 62706.

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

Section 3002.1100 Coordination with State Agencies and the General Assembly

State Agencies and the General Assembly are invited to address the Board with comments, concerns or suggestions about procurement policy. Written submission will be required for the Board to conduct an official review for the requestor. The Board will review the submission and respond within the timeframe established in Section 500 of this Part.

Section 3002.1200 Coordination with Joint Committee, Administrative Code Division and CPOs

When the Board proposes or is required to review rules, it will do so prior to or in conjunction with the Joint Committee, Administrative Code Division and CPO reviews in order to facilitate timely promulgation of the rules.

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Rulemaking and Organization2) Code Citation: 2 Ill. Adm. Code 30003) Section Numbers: Proposed Action:

3000.100	New
3000.110	New
3000.120	New
3000.130	New
3000.140	New
3000.150	New
3000.160	New
3000.200	New
3000.210	New
3000.220	New
3000.230	New
3000.240	New
3000.250	New
3000.260	New
3000.270	New
3000.280	New
3000.290	New
3000.Appendix A	New

4) Statutory Authority: The Illinois Administrative Procedure Act [5 ILCS 100] and the Illinois Procurement Code [30 ILCS 500]5) A complete description of the subjects and issues involved: Creates the rulemaking and organization rules by which the Procurement Policy Board will operate.6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this rule contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: The rule does not create or expand State mandates.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment in writing during the first notice period to:

Procurement Policy Board
 Matt Brown, Senior Analyst

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

108 Statehouse
 Springfield IL 62706
 (217) 782-4520
 Fax: (217) 524-1514

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: NoneB) Reporting, bookkeeping or other procedures required for compliance: NoneC) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Procurement Policy Board is a new State agency formed less than one year ago. The Board has not had an opportunity to publish a regulatory agenda but intends to do so in the near future.

The full text of the Proposed Rules begins on the next page:

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES
 CHAPTER IX: PROCUREMENT POLICY BOARD

PART 3000

RULEMAKING AND ORGANIZATION

SUBPART A: RULEMAKING

Section

3000.100

Adoption and Filing

3000.110

Development of Rules

3000.120

Consideration by Board

3000.130

Public Comments

3000.140

Special Hearing

3000.150

Adoption

3000.160

Filing

SUBPART B: ORGANIZATION

Section

3000.200

Composition of Board

3000.210

Officers

3000.220

Personnel Committee

3000.230

Appointment of Executive Director

3000.240

Duties of Executive Director

3000.250

Duties of Staff

3000.260

Organization

3000.270

Personnel Chart

3000.280

Availability

3000.290

Office Location

APPENDIX A Personnel Organization Chart

AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100] and the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 23 Ill. Reg. _____, effective _____.

SUBPART A: RULEMAKING

Section 3000.100 Adoption and Filing

The Procurement Policy Board will follow the rulemaking procedure established by the Illinois Administrative Procedure Act [5 ILCS 100] in the adoption and filing of its rules.

Section 3000.110 Development of Rules

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

Rules of the Procurement Policy Board are developed by the Board members or by the Board staff under the specific direction of the Board.

Section 3000.120 Consideration by Board

Draft rules or amendments to rules are placed on the Board agenda for consideration by the Board. At the hearing, the Board votes on whether or not to formally propose the rules by publication in the Illinois Register. The Board may make any desired changes in the draft rules, direct the staff to change the draft rules, or postpone the formal proposal of the rules.

Section 3000.130 Public Comments

All public or agency comments submitted on proposed Board rules are presented to the Board for consideration. The staff of the Board may recommend changes in the proposed rules based on comments received.

Section 3000.140 Special Hearing

The Board may hold a special hearing for the purpose of receiving comments on the proposed rules, and may appoint a member of the staff to serve as a hearing officer to conduct such a hearing. Views presented at such a hearing will be presented to the Board and will be considered. The staff of the Board may recommend changes in the proposed rules based on comments received at such a hearing.

Section 3000.150 Adoption

Following expiration of the required 45 day notice period, the Board places the proposed rules on its agenda for consideration of any recommended changes, public and agency comments, and whether or not to adopt the rules. Adoption of rules is by vote of the Board.

Section 3000.160 Filing

Rules adopted by the Board are filed with the Office of the Secretary of State and published as adopted rules in the Illinois Register.

SUBPART B: ORGANIZATION

Section 3000.200 Composition of Board

The Procurement Policy Board consists of five members, none of which may be members of the Illinois General Assembly. Members are appointed by the leadership of the General Assembly and the Governor as provided in Section 5-5 of the Procurement Code [30 ILCS 500/5-5].

Section 3000.210 Officers

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

The Chair of the Board is an appointee of the Governor as provided for in Section 5-5 of the Procurement Code [30 ILCS 500/5-5].

Section 3000.220 Personnel Committee

The members of the Board collectively serve as the Personnel Committee of the Board and review and approve decisions by the Executive Director concerning the employment and compensation of staff of the Board.

Section 3000.230 Appointment of Executive Director

As provided in Section 5-5 of the Procurement Code [30 ILCS 500/5-5], the members of the Board appoint the Executive Director of the Procurement Policy Board.

Section 3000.240 Duties of Executive Director

The Executive Director serves as the director of the staff of the Board and is responsible for the employment and setting of the compensation of necessary professional, technical and secretarial staff as directed by the Board.

Section 3000.250 Duties of Staff

The duties and organization of the staff of the Board are established by the Executive Director as directed by the Board.

Section 3000.260 Organization

The Board staff functions as a single unit under the Executive Director as directed by the Board.

Section 3000.270 Personnel Chart

The specific personnel positions authorized by the Board and their organizational and supervisory relationships are presented in the Personnel Organization Chart shown in Appendix A.

Section 3000.280 Availability

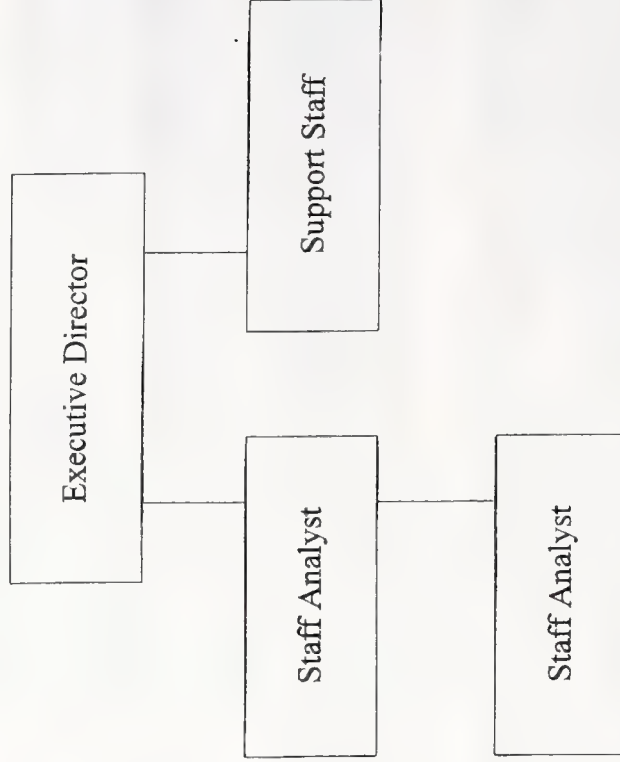
A description of the specific responsibilities and duties of each of the personnel positions of the Board staff is maintained in the Office of the Board and is available for public inspection.

Section 3000.290 Office Location

The Office of the Board is located in 108 Statehouse, Springfield, Illinois 62706.

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

Section 3000.APPENDIX A Personnel Organization Chart

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985
- 2) Code Citation: 68 Ill. Adm. Code 1175
- 3) Section Numbers:
- | | | |
|-----------|-------------|-------------------------|
| 1175.100 | Amendment | <u>Proposed Action:</u> |
| 1175.115 | New Section | |
| 1175.405 | Amendment | |
| 1175.410 | Amendment | |
| 1175.420 | Amendment | |
| 1175.425 | Amendment | |
| 1175.435 | Amendment | |
| 1175.536 | New Section | |
| 1175.536 | Amendment | |
| 1175.705 | Amendment | |
| 1175.710 | Amendment | |
| 1175.720 | Amendment | |
| 1175.725 | Amendment | |
| 1175.735 | Amendment | |
| 1175.841 | New Section | |
| 1175.1005 | Amendment | |
| 1175.1010 | Amendment | |
| 1175.1020 | Amendment | |
| 1175.1025 | Amendment | |
| 1175.1035 | Amendment | |
| 1175.1141 | New Section | |
| 1175.1200 | Amendment | |
| 1175.1300 | Amendment | |

- 4) Statutory Authority: The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410]

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the rules to implement Public Act 90-302, which provides for the application, training, licensure and renewal of cosmetology clinic teachers, esthetics clinic teachers, and nail technology clinic teachers. It also adds Section 1175.115, establishing sanitary standards to be followed by all licensees under the Act. Finally, Section 1175.100 is amended to make the continuing education sponsor fees consistent with the Act.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments to:
- Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645
- All written comments received within 45 days of this issue of the *Illinois Register* will be considered.
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Barbers, cosmetologists, estheticians, nail technicians and their education providers.
- B) Reporting, bookkeeping or other procedures required for compliance: Individuals seeking licensure as a cosmetology clinic teacher, esthetics clinic teacher or nail technology clinic teacher must make application to the Department.
- C) Types of professional skills necessary for compliance: Barber, cosmetologist, esthetician or nail technician skills are necessary for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1175
 THE BARBER, COSMETOLOGY, ESTHETICS,
 AND NAIL TECHNOLOGY ACT OF 1985

SUBPART A: GENERAL

Section	Fees
1175.100	English Translations
1175.105	Granting Variances
1175.110	Sanitary Standards

SUBPART B: BARBER

Section	
1175.200	Examination - Barber
1175.205	Examination - Barber Teacher
1175.210	Examination Requirements
1175.215	Application for Licensure
1175.220	Endorsement
1175.225	Renewals
1175.230	Restoration - Barber
1175.235	Restoration - Barber Teacher

SUBPART C: BARBER SCHOOLS

Section	
1175.300	School Approval Application
1175.305	Physical Site Requirements
1175.310	Student Contracts
1175.315	Advertising
1175.320	Recordkeeping - Transcripts
1175.325	Recordkeeping - Hours Earned
1175.330	Curriculum Requirements - Barber
1175.335	Curriculum Requirements - Barber Teacher
1175.340	Final Examination
1175.345	Change of Ownership
1175.350	Change of Location
1175.355	Change of Name
1175.360	Expansion
1175.365	Discontinuance of Program
1175.370	Withdrawal of Approval

SUBPART D: COSMETOLOGY

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Section	
1175.400	Examination - Cosmetology
1175.405	Examination - Cosmetology Teacher
1175.410	Examination Requirements
1175.415	Application for Licensure
1175.420	Endorsement
1175.425	Renewals
1175.430	Restoration - Cosmetology
1175.435	Restoration - Cosmetology Teacher

SUBPART E: COSMETOLOGY SCHOOLS

Section	
1175.500	School Approval Application
1175.505	Physical Site Requirements
1175.510	Enrollment Agreements and Refund Policies
1175.515	Advertising
1175.520	Recordkeeping - Transcripts
1175.525	Recordkeeping - Hours Earned
1175.530	Curriculum Requirements - Cosmetology
1175.535	Curriculum Requirements - Cosmetology Teacher
1175.536	Curriculum Requirements - Cosmetology Clinic Teacher
1175.540	Final Examination
1175.545	Change of Ownership
1175.550	Change of Location
1175.555	Change of Name
1175.560	Expansion
1175.565	Discontinuance of Program
1175.570	Withdrawal of Approval

SUBPART F: CONTINUING EDUCATION - COSMETOLOGY/COSMETOLOGY TEACHER

Section	
1175.600	Sponsor Approval (Repealed)
1175.605	Department Supervision (Repealed)
1175.610	Credit Hours (Repealed)
1175.615	Waiver of Continuing Education Requirements (Repealed)

SUBPART G: ESTHETICS

Section	
1175.700	Examination - Esthetics
1175.705	Examination - Esthetics Teacher
1175.710	Examination Requirements
1175.715	Application for Licensure
1175.720	Endorsement
1175.725	Renewals
1175.730	Restoration - Esthetics

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

1175.735 Restoration - Esthetics Teacher

SUBPART H: ESTHETICS SCHOOLS

Section

1175.800 Esthetics School Application

1175.805 Cosmetology Schools Approved to Teach Esthetics

1175.810 Physical Site Requirements

1175.815 Enrollment Agreements and Refund Policy

1175.820 Advertising

1175.825 Recordkeeping - Transcripts

1175.830 Recordkeeping - Hours Earned

1175.835 Curriculum Requirements - Esthetics

1175.840 Curriculum Requirements - Esthetics Teacher

1175.841 Curriculum Requirements - Esthetics Clinic Teacher

1175.845 Final Examination

1175.850 Change of Ownership

1175.855 Change of Location

1175.860 Change of Name

1175.865 Expansion

1175.870 Discontinuance of Program

1175.875 Withdrawal of Approval

SUBPART I: CONTINUING EDUCATION - ESTHETICIAN/ESTHETICS TEACHER

Section

1175.900 Sponsor Approval (Repealed)

1175.905 Department Supervision (Repealed)

1175.910 Credit Hours (Repealed)

1175.915 Waiver of Continuing Education Requirements (Repealed)

SUBPART J: NAIL TECHNOLOGY

Section

1175.1000 Application for Licensure under Sections 3C-4 and 3C-5 of the Act (Grandfather) (Repealed)

1175.1001 Examination - Nail Technician

1175.1005 Examination - Nail Technology Teacher

1175.1010 Examination

1175.1015 Application for Licensure

1175.1020 Endorsement

1175.1025 Renewals

1175.1030 Restoration - Nail Technician

1175.1035 Restoration - Nail Technology Teacher

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

1175.1100 Nail Technology School Application

1175.1105 Cosmetology Schools Approved to Teach Nail Technology

1175.1110 Physical Site Requirements

1175.1115 Enrollment Agreements and Refund Policies

1175.1120 Advertising

1175.1125 Recordkeeping - Transcripts

1175.1130 Recordkeeping - Hours Earned

1175.1135 Curriculum Requirements - Nail Technology

1175.1140 Curriculum Requirements - Nail Technology Teacher

1175.1141 Curriculum Requirements - Nail Technology Clinic Teacher

1175.1145 Final Examination

1175.1150 Change of Ownership

1175.1155 Change of Location

1175.1160 Change of Name

1175.1165 Expansion

1175.1170 Discontinuance of Program

1175.1175 Withdrawal of Approval

SUBPART L: CONTINUING EDUCATION

Section

1175.1200 Sponsor Approval

1175.1205 Department Supervision

1175.1210 Credit Hours

1175.1215 Waiver of Continuing Education Requirements

SUBPART M: SHOP REGISTRATION

Section

1175.1300 Application for a Barber Shop or Cosmetology, Nail Technician or Esthetics Salon Certificate of Registration

AUTHORITY: Implementing the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 20, 1990; amended at 16 Ill. Reg. 13276, effective August 18, 1992; amended at 18 Ill. Reg. 4856, effective March 14, 1994; amended at 21 Ill. Reg. 7277, effective May 29, 1997; amended at 23 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1175.100 Fees

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

a) Licensure fees for cosmetologists, barbers, estheticians, nail technicians, cosmetology teachers, cosmetology clinic teachers, barber teachers, esthetics teachers, and nail technology teachers and nail technology clinic teachers are:

- 1) License. The fee for a license is \$30 and is to be submitted with the application.
- 2) Examination. Applicants for any examination shall be required to pay, either to the Department of Professional Regulation (the Department) or to the designated testing service, a fee covering the cost of providing the examination.
- 3) Renewal. The fee for renewal of a license shall be calculated at the rate of \$25 per year.
- 4) Restoration. The fee for restoration of a license is \$10 plus payment of all lapsed renewal fees, but not to exceed \$135.
- 5) Restoration From Inactive Status. The fee for restoration of a license from inactive status is the current renewal fee.
- 6) Endorsement. The fee for a license for a cosmetologist, barber, esthetician, nail technician, cosmetology teacher, barber teacher, esthetics teacher or nail technology teacher licensed under the laws of another jurisdiction is \$45.

b) Licensure fees for cosmetology schools, barber schools, esthetics schools or nail technology schools are:

- 1) License. The fee for a license is \$150 plus the cost of inspection (\$50).
- 2) Change of Ownership. The fee for a license resulting from a change of ownership is \$150 plus the cost of inspection (\$50).
- 3) Change of Location. The fee for a license resulting from a change of location is \$150 plus the cost of inspection (\$50).
- 4) Change of Name. The fee for a license resulting from a change of name is \$20.
- 5) Renewal. The fee for renewal of a license shall be calculated at \$100 per year.

c) Salon Fees

- 1) Registration. The fee for registration of a barber shop or cosmetology, nail technician or esthetics salon (salon) is \$40.
- 2) Change of Name. The fee for changing the name or address of a registered barber shop or salon is \$20.
- 3) Renewal. The fee for renewal of a registration for a barber shop or salon is calculated at \$20 per year.

d) Sponsor Fees

- 1) Registration. The fee for registration as a continuing education sponsor shall be \$500 per year pursuant to Section 4-1.5(c) 4-1-5(d) of the Act.
- 2) Renewal. The fee for renewal as a continuing education sponsor shall be \$250 every two years pursuant to Section 4-1.5(c) of the Act. If a sponsor allows the registration to lapse, he/she will be required to submit \$500 to restore the registration pursuant to Section 4-1.5(c) of the Act.

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3) State agencies, State colleges and State universities in Illinois who are approved as continuing education sponsors shall be exempt from registration and renewal fees.

e) General Fees

- 1) Duplicate/Replacement. The fee for the issuance of a duplicate or replacement license is \$20.
- 2) Change of Name or Address. The fee for issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no license is issued.
- 3) Certification of Record. The fee for certification of a licensee's record for any purpose is \$20.
- 4) Wall Certificate. The fee for a wall certificate showing licensure is the actual cost of producing such a certificate.
- 5) Roster. The fee for a roster of persons licensed as cosmetologists, cosmetology teachers, barbers, barber teachers, estheticians, esthetics teachers, nail technicians, nail technology teachers, cosmetology schools, esthetics schools, nail technology schools, barber schools, and shops and salons is the actual cost of producing such a roster.
- 6) Inactive Status. The fee to place a license on inactive status, other than during renewal, is \$20.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.115 Sanitary Standards

The sanitary standards set forth in this Section shall be followed by all licensees as appropriate to their practice. Failure to comply with these standards shall be considered unprofessional conduct and may be determined to be a violation pursuant to Section 4-7 of the Act.

a) Definitions

- 1) "Hospital Grade Disinfectant" is defined as a disinfectant that is registered with the Environmental Protection Agency as a hospital-level disinfectant and that performs the functions of bactericides (kill harmful bacteria), virucides (kill pathogenic viruses), and fungicides (destroy fungus).
- 2) "Disinfect" means to clean with an agent that eliminates microbacteria growth.
- 3) "Sanitize" means to clean with hot water and soap.

b) Sanitary Requirements

- 1) All instruments and tools shall be sanitized before and after each patron and kept in an air tight container until used.
- 2) All nondisposable manicure implements shall be cleaned with a hospital grade disinfectant.
- 3) Manicure tables shall be cleaned with an antibacterial disinfectant.

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- 4) Clean towels shall be used for each patron.
- 5) Wood sticks and files (except sanitizable file and buffing blocks) shall be discarded after each use.
- 6) Shampoo bowls must be sanitized after each use.
- 7) Hands must be cleansed before and after serving each patron.
- 8) Head rests of any chair shall be protected with a disposable cover and changed after each use, or a clean washable towel may also be used.
- 9) All cosmetics shall be applied with disinfected applicators and removed from the container with a sanitary spatula.
- 10) Clean nondisposable esthetics sheets, gowns and head coverings shall be used for each patron.
- 11) Animals, such as birds and cats, are not permitted (with the exception of seeing eye animals for the physically impaired).
- 12) All floors, walls and furniture shall kept clean at all times.
- 13) All soiled towels shall be kept in a covered container.
- 14) All clean towels shall be kept in a closed or covered space.
- 15) All hair that is swept up from the floor shall be kept in a covered container.
- 16) Proper disposal of unused products and packaging is required.
- 17) Proper disposal and handling of hazardous materials is required.
- 18) The use of nail products or the distribution of nail products containing monomer Methyl Methacrylate (MMA) is prohibited.
- 19) No owner or manager of a salon or shop shall knowingly permit any person suffering from a serious communicable disease, as defined in public health regulations, to work on the premises.
- 20) All owners or managers of salons or shops shall provide adequate ventilation as required by the city, county or municipality and insure that an adequate supply of hot and cold running water is available.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART D: COSMETOLOGY

Section 1175.405 Examination - Cosmetology Teacher and Cosmetology Clinic Teacher

- a) Eligibility. Each applicant must meet the requirements in Section 3-4(a), (b), (c), (d) and (e) of the Act prior to filing an application for the cosmetology teacher examination.
- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:
 - 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order) if name is other than that shown on

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- any document submitted;
 - 2) The required examination fee;
 - 3) For cosmetology teacher either:
 - A) An official transcript from an approved school of cosmetology showing successful completion of 500 hours of teacher training as outlined in Section 1175.535 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a registered licensed cosmetologist; or
 - B) An official transcript from an approved school of cosmetology (see Subpart E) showing successful completion of 1000 hours of teacher training as outlined in Section 1175.535 of this Part;
 - 4) For cosmetology clinic teacher: An official transcript from an approved school of cosmetology showing successful completion of 250 hours of clinic teacher training as outlined in Section 1175.536 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within 5 year prior to application;
 - 5) 4) A complete work history since graduation from cosmetology school; and
 - 6) 5) A copy of the applicant's current Illinois cosmetology license.
- (Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.410 Examination Requirements

- a) Examinations shall be administered by the Department or its designated testing service and shall cover subject matter as set forth in Section 3-6 of the Act.
- b) The passing grade on each examination is 75.
- c) Retakes
 - 1) A cosmetology applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of a 250 hour refresher course prior to taking the examination a fourth time.
 - 2) A cosmetology teacher or cosmetology clinic teacher applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of 80 hours of additional study in teaching methodology and educational psychology prior to taking the examination a fourth time.
 - 3) Upon failing the fourth examination an applicant must submit an official transcript from an approved cosmetology school showing successful repetition of the entire course of training prior to taking the examination a fifth time.
 - 4) For purposes of the examination retakes, the fifth attempt shall

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- count as the first.
- 5) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1), (2) and (3) above.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 1175.420 Endorsement

- a) An applicant who is currently licensed as a cosmetologist in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, that shall include:

- 1) A certification from the state of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
 - 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) Two completed Verification of Employment forms showing at least 3 years of lawful practice in another jurisdiction if:
 - A) The jurisdiction of original licensure does not require a licensing examination or has not provided an examination score; or
 - B) The applicant is applying under Section 3-8 of the Act;
 - 5) A complete work history showing all employment since graduation from cosmetology school to present;
 - 6) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.
- b) An applicant who is currently licensed as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction and who is seeking licensure as a cosmetology teacher or cosmetology clinic teacher in Illinois by endorsement shall file an application, on forms provided

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by the Department, which shall include:

- 1) A certification from the state of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary action taken or pending;
 - 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) Either:
 - A) Two Verification of Employment forms submitted by an applicant who completed at least 500 hours of teacher training. A cosmetology teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or
 - B) Two Verification of Employment forms submitted by an applicant who completed at least 250 hours of clinic teacher training. A cosmetology clinic teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or
 - C) Two completed Verification of Employment forms showing at least 3 years of lawful practice as a cosmetology teacher or cosmetology clinic teacher submitted by an applicant who is applying as a cosmetology teacher or cosmetology clinic teacher on the basis of 3 years of lawful practice;
 - 5) A complete work history showing all employment since graduation from basic cosmetology school to present;
 - 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.
- c) An applicant for licensure as a cosmetologist who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as a cosmetologist. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the Department in support of the work experience. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.
- d) An applicant applying for licensure as a cosmetologist or cosmetology teacher or cosmetology clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not

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be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.410(c). The successful completion of the substantially equivalent examination and fulfillment of applicable qualification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.425 Renewals

a) Every license issued under the Act shall expire as follows:

- 1) Cosmetology teacher, cosmetology clinic teacher and cosmetology school licenses shall expire on September 30 of each even numbered year.
- 2) Cosmetologist licenses shall expire on September 30 of each odd numbered year. A pre-renewal period is the 24 month period preceding September 30th in the year of renewal.
- 3) The holder of a license may renew that license during the month preceding its expiration date.

b) Applicants for renewal shall:

- 1) Return a completed renewal application.
- 2) Cosmetologist -- Certify on the renewal application to successful completion of a minimum of 14 hours of continuing education from a cosmetology sponsor registered with the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license, if renewing a cosmetology license.

A) A---renewal---applicant---is---not---required---to---comply---with continuing-education-for-the-first-renewal-after-issuance-of original-license.

B) The-Department-may-require-additional-evidence-demonstrating compliance-with-the-CE-requirements---(i.e.,---certificate-of attendance---or---certificate-of-completion),---it-is-the responsibility-of---each-renewal-applicant---to---retain---or otherwise-produce-evidence-of---such---compliance.---Such evidence---shall---be---required---in---the---context---of---the Department's-random-audit.

- 3) Cosmetology Teacher and Cosmetology Clinic Teacher -- Certify on the renewal application to successful completion of a minimum of 24±0 hours of continuing education from a sponsor registered with the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to renewal if renewing a cosmetology teacher or cosmetology clinic teacher license.

A) Effective-with-the-1998-renewal,-a-cosmetology-teacher-will be-required-to-complete-24-hours-of-continuing-education

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from---a---sponsor---approved-in-accordance-with---Section 1175.1200. Ten of those hours shall be in the following areas:

- A) Teaching methodology;
- B) Educational psychology;
- C) Classroom management; or
- D) Other teaching related courses.

B) A---renewal---applicant---is---not---required---to---comply---with continuing-education-for-the-first-renewal-after-issuance-of original-license.

C) The-Department-may-require-additional-evidence-demonstrating compliance-with-the-continuing-education-requirements---(i.e., certificate-of-attendance-or-certificate-of-completion),---it is-the-responsibility-of-each-renewal-applicant-to-retain-or otherwise-produce-evidence-of---such---compliance.---Such evidence---shall---be---required---in---the---context---of---the Department's-random-audit.

- 4) Submit the required fee set forth in Section 1175.100.

5) It-is-the-responsibility-of-each-licensee-to-notify---the Department-of-any-change-of-address,---Failure-to-receive-a renewal-form-from-the-Department-shall-not-constitute-an-excuse for-failure-to-pay-the-renewal-fee-or-to-renew-a-license.

C) A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.

D) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

E) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.435 Restoration - Cosmetology Teacher

- a) A person applying for restoration of a certificate as a licensed cosmetology teacher or cosmetology clinic teacher that has been expired or been on inactive status for less than 5 years shall file an application, on forms provided by the Department. An applicant shall also submit proof of 24 hours of continuing education in accordance with Section 1175.1200 earned within the 2 years preceding the restoration and the required fee set forth in Section 1175.100. If restoring after active military service, an applicant shall submit a

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copy of his/her DD-214 and the current renewal fee.

- b) A person applying for restoration of a license as a cosmetology teacher or cosmetology clinic teacher that has been expired for 5 years or more shall submit an application on forms provided by the Department, along with either:

- 1) All of the following:
 - A) Verification of employment as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction within the 5 years preceding application for restoration;
 - B) Certification of licensure from the licensing authority in the jurisdiction of employment;
 - C) Evidence of successful completion of 24 to 40 hours of continuing education earned within the 2 years immediately preceding the restoration for those cosmetology teachers restoring licenses prior to September 30, 1998; Effective September 30, 1999, any one restoring a cosmetology teacher license that has been expired for 5 years or more shall submit evidence of 24 hours of continuing education specified in Section 3-7 of the Act, earned within the 2 years immediately preceding the restoration;
 - D) A complete work history showing all employment since the Illinois teacher license lapsed;
 - E) A completed restoration questionnaire; and
 - F) The required fee set forth in Section 1175.100; or
 - 2) If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.
- c) An applicant for restoration of a cosmetology teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 250 hour cosmetology teacher refresher course or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 250 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.
- d) An applicant for restoration of a cosmetology clinic teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 60 hour cosmetology teacher refresher course or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.
- e) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

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(Source: Amended at 23 Ill. Reg. _____, effective _____.)

SUBPART E: COSMETOLOGY SCHOOLS

Section 1175.536 Curriculum Requirements - Cosmetology Clinic Teacher

- a) An approved school that intends to provide cosmetology clinic teacher training must utilize a teacher curriculum that includes a minimum of 250 hours as follows:

- 1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
- 2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university.
- 3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
- 4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed cosmetology teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.
- b) The approved curriculum for a 250 hour Clinic Teacher Training Course shall be based upon 2 years of practical experience.

(Source: Added at 23 Ill. Reg. _____, effective _____.)

SUBPART G: ESTHETICS

Section 1175.705 Examination - Esthetics Teacher and Esthetics Clinic Teacher

- a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3A-3 of the Act prior to filing an application for the esthetics teacher examination.
- 1) Be at least 18 years of age;

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- 2) Be a high school graduate or its equivalent;
- 3) Hold a current license as a cosmetologist or esthetician; and
- 4) For esthetics teacher ~~either~~:
- Complete 500 hours of teacher training in an approved cosmetology or esthetics school and 2 years of experience as a licensed cosmetologist or esthetician within 5 years preceding application; or
 - Complete 750 hours of teacher training in a licensed cosmetology school approved to teach esthetics or in an esthetics school; and-
- 5) For esthetics clinic teacher: An official transcript from an approved school of esthetics or cosmetology showing successful completion of 250 hours of clinic teacher training as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within 5 years prior to application.
- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:
- Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if different than shown on supporting documents;
 - The required fee set forth in Section 1175.100;
 - For an esthetics teacher ~~either~~:
 - An official transcript from an approved school of esthetics or cosmetology showing successful completion of 500 hours of teacher training as outlined in Section 1175.535 or 1175.840 of this Part and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist; or
 - An official transcript from an approved school of esthetics or cosmetology (see Subpart H or Subpart E) showing successful completion of 750 hours of teacher training as outlined in Section 1175.535 or 1175.840 of this Part;
 - For an esthetics clinic teacher: An official transcript from an approved school of esthetics or cosmetology showing successful completion of 250 hours of clinic teacher training as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist;
 - A complete work history since graduation from an esthetics or cosmetology school;
 - A copy of the applicant's current Illinois esthetician or cosmetology license;
 - For any person who holds a cosmetologist's license, a certificate

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of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics; and

87) If licensed in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.710 Examination Requirements

- a) Examinations ~~A--separate--examination~~ shall be administered by the Department or its designated testing service for estheticians, and esthetics teachers and esthetics clinic teachers and shall cover subject matter as set forth in Section 3A-5 of the Act.
- b) The passing grade on each examination is 75.
- c) Retakes

- 1) Esthetician. An applicant who fails to pass a third examination to become a licensed esthetician must submit an official transcript from a cosmetology school approved to teach esthetics or an esthetics school approved by the Department showing successful completion of a 125 hour refresher course prior to taking the examination a fourth time.
 - 2) Esthetics Teacher or Esthetics Clinic Teacher. An applicant who fails to pass a third examination to become a licensed esthetics teacher or esthetics clinic teacher must submit an official transcript from a licensed esthetics or cosmetology school approved to instruct esthetic teachers showing successful completion of an 80 hour refresher course prior to taking the examination a fourth time.
 - 3) An applicant, upon failing the fourth examination to become a licensed esthetician or esthetics teacher or esthetics clinic teacher, must submit an official transcript from an approved esthetics or cosmetology school showing successful repetition of the entire course of ~~esthetics~~ training prior to taking the examination a fifth time.
 - 4) For purposes of the examination retakes, the fifth attempt shall count as the first.
 - 5) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2) above.
- (Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 1175.720 Endorsement

- a) An applicant who is currently licensed as an esthetician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

1) A certification from the jurisdiction of original licensure stating:

- A) A brief description of any licensure examination taken and the grades received; and
B) Whether the applicant's file contains any record of disciplinary actions taken or pending;

2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed;

3) Certification of current licensure if other than original licensure;

4) A complete work history showing all employment since graduation from esthetics school to present;

5) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;

6) The required fee set forth in Section 1175.100; and

7) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.

- b) An applicant who is currently licensed as an esthetics teacher or esthetics clinic teacher in another jurisdiction and who is seeking licensure as an esthetics teacher in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

1) A certification from the jurisdiction of original licensure stating:

- A) A brief description of any licensure examination taken and the grades received; and
B) Whether the applicant's file contains any record of disciplinary action taken or pending;

2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed;

3) Certification of current licensure if other than original licensure;

4) Either:

- A) Two Verification of Employment forms submitted by an applicant who completed at least 500 hours of teacher training. An esthetics teacher applicant shall submit verification of 2 years of lawful practice as an

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- B) Two Verification of Employment forms submitted by an applicant who completed at least 250 hours of clinic teacher training. An esthetics clinic teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or

C) Two Verification of Employment forms indicating 3 years of lawful practice in another jurisdiction submitted by an applicant who is applying as an esthetics teacher or esthetics clinic teacher on the basis of 3 years of lawful practice;

5) A complete work history showing all employment since graduation from basic esthetics school to present;

6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;

7) The required fee set forth in Section 1175.100; and

8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.

- c) An applicant for licensure as an esthetician who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as an esthetician. To obtain credit for work experience, the applicant must submit verification of employment in support of the work experience on forms provided by the Department. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

d) An applicant applying for licensure as an esthetician or esthetics teacher or esthetics clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.710(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.725 Renewals

- a) Every license issued under the Act shall expire as follows:

1) Esthetics teacher, esthetics clinic teacher and esthetics school licenses shall expire on September 30 of each even numbered year.

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- 2) Esthetician licenses shall expire on September 30 of each odd numbered year.
- 3) The holder of a license may renew the license during the month preceding its expiration date.

b) Applicants for renewal shall:

- 1) Return a completed renewal application.
- 2) Esthetician. Certify on the renewal application to successful completion of a minimum of 10 hours of continuing education from a ~~an esthetics--continuing--education~~ sponsor registered with ~~approved-by the Department, in accordance with Section 1175.1200~~ of this Part, within the 2 years prior to the expiration date of the license.[†]

A) ~~A--renewal--applicant--is--not--required--to--comply--with continuing--education--for--the--first--renewal--after--issuance--of original--license.~~

B) ~~The--Department--may--require--additional--evidence--demonstrating compliance--with--the--CE--requirements--(i.e., certificate--of attendance--or--certificate--of--completion).--It--is--the responsibility--of--each--renewal--applicant--to--retain--or otherwise--produce--evidence--of--such--compliance.---Such evidence--shall--be--required--in--the--context--of--the Department's--random--audit.~~

- 3) Esthetics Teacher and Esthetics Clinic Teacher. Certify on the renewal application to successful completion of a minimum of 20 hours of continuing education from a ~~an esthetics--teacher continuing--education~~ sponsor registered with ~~approved-by the Department, in accordance with Section 1175.1200 of this Part,~~ within the 2 years prior to the expiration date of the license.
- A) Beginning ~~with--the--September--30,--1998,--renewal--each individual--who--applies--for--renewal--of--his/her--esthetics--teacher license, other--than--first--time--renewal--applicant, will--be required--to--complete--20--hours--of--continuing--education--in accordance--with--Section--3A--6--of--the--Act.~~ Ten of the 20 hours shall be in the following areas:

- A+) Teaching methodology;
- B+) Educational psychology;
- C+) Classroom management; or
- D+) Other teaching related courses.

B) ~~A--renewal--applicant--is--not--required--to--comply--with continuing--education--for--the--first--renewal--after--issuance--of original--license.~~

E) ~~The--Department--may--require--additional--evidence--demonstrating compliance--with--the--CE--requirements--(i.e., certificate--of attendance--or--certificate--of--completion).--It--is--the responsibility--of--each--renewal--applicant--to--retain--or otherwise--produce--evidence--of--such--compliance.---Such evidence--shall--be--required--in--the--context--of--the Department's--random--audit.~~

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- 4) Submit the required fee set forth in Section 1175.100.
- 5) ~~It--is--the--responsibility--of--each--licensee--to--notify--the Department--of--any--change--of--address.---Failure--to--receive--a renewal--form--from--the--Department--shall--not--constitute--an--excuse for--failure--to--renew--a--license.~~
- 6) ~~Practicing--or--operating--on--a--license--that--has--expired--shall--be considered--unlicensed--activity--and--shall--be--grounds--for discipline--pursuant--to--Section--4-7--of--the--Act.~~

c) ~~A renewal applicant is not required to comply with continuing education for the first renewal after issuance of original license.~~

d) ~~The Department may require additional evidence demonstrating compliance with the CE requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.~~

e) ~~It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.~~

f) ~~Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.735 Restoration - Esthetics Teacher

- a) A person applying for restoration of a license as an esthetics teacher or esthetics clinic teacher that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Department. An applicant shall also submit ~~and--it~~ ~~Pay--the--required--fee--as--set--forth--in--Section--1175.1100, and--2)~~ Provide evidence of successful completion of 20 hours of continuing education in accordance with Section 1175.1210 earned within the 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100.

If restoring after active military service, an applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.

- b) A person applying for restoration of a certificate as an esthetics teacher or esthetics clinic teacher that has been expired for 5 years or more shall submit an application on forms provided by the Department, along with either:

1) All of the following:

- A) Verification of employment as an esthetics teacher or esthetics clinic teacher ~~attesting--to--lawful--teaching~~

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practice in another jurisdiction within the 5 years preceding application for restoration;

B) A certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;

C) Evidence of successful completion of 20 hours of continuing education earned within 2 years immediately preceding restoration;

D) A complete work history showing all employment since the Illinois esthetics teacher or esthetics clinic teacher license lapsed;

E) A completed restoration questionnaire; ~~B) A copy of the applicant's current Illinois esthetician or cosmetology license; and~~

F) The required fee set forth in Section 1175.100; or

2) If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.

c) An applicant for restoration of an esthetics teacher license who has not maintained a lawful esthetics teaching practice (as determined by the laws of that jurisdiction) in another jurisdiction shall submit official transcripts showing successful completion of a 125 hour teacher refresher course from an approved esthetics or cosmetology school or pass the esthetics teacher examination in accordance with Section 1175.710 within 2 years prior to application for restoration. An applicant who completes this refresher course shall not also be required to complete 20 hours of continuing education.

d) An applicant for restoration of an esthetics clinic teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 60 hour teacher refresher course or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license. ~~if an applicant takes and fails the examination the license will not be restored until such time as he/she has successfully completed the examination.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART H: ESTHETICS SCHOOLS

Section 1175.841 Curriculum Requirements - Esthetics Clinic Teacher

a) An approved school that intends to provide esthetics clinic teacher training must utilize a teacher curriculum that includes a minimum of 250 hours as follows:

1) 20 hours of Educational Psychology that shall include, but not be

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limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.

2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university.

3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.

4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.

b) The approved curriculum for a 250 hour Clinic Teacher Training Course shall be based upon 2 years of practical experience.

(Source: Added at 23 Ill. Reg. _____, effective _____)

SUBPART J: NAIL TECHNOLOGY

Section 1175.1005 Examination - Nail Technology Teacher or Nail Technology Clinic Teacher

a) Eligibility. Each applicant must meet the following requirements pursuant to Section 30-3 of the Act prior to filing an application for the nail technology teacher examination:

1) Be at least 18 years of age;

2) Have graduated from high school or its equivalent;

3) Hold a current license as a cosmetologist or nail technician; and

4) For nail technology teacher, either:

A) Have completed 500 hours of teacher training in an approved cosmetology or nail technology school and have at least 2 years of full-time experience as a practicing nail technician; or

B) Have completed 625 hours of teacher training in a school of cosmetology approved in accordance with Section 1175.1105 or school of nail technology approved in accordance with Section 1175.1100; and-

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5) For nail technology clinic teacher, have completed 250 hours of clinic teacher training in an approved cosmetology or nail technology school and have at least 2 years of practical experience within 5 years prior to application.

b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to the examination date. The application shall include:

1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if a different name appears on supporting documents;

2) The required fee set forth in Section 1175.100;

3) For nail technology teacher, either **either**:

A) An official transcript from an approved school of nail technology or cosmetology showing successful completion of 500 hours of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician; or

B) An official transcript from an approved school of nail technology or cosmetology, showing successful completion of 625 hours of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part;

4) For nail technology clinic teacher, an official transcript from an approved school of nail technology or cosmetology showing successful completion of 250 hours of clinic teacher training as outlined in Section 1175.1141 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician;

5) ~~A~~ A complete work history since graduation from a nail technology or cosmetology school;

6) ~~5~~ A copy of the applicant's current Illinois nail technology or cosmetology license; and

7) ~~6~~ If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.1010 Examination

a) ~~Examinations A-separate--examination~~ shall be administered by the Department or its designated testing service for nail technicians, and nail technology teachers and nail technology clinic teachers and shall cover subject matter as set forth in Section 30-7 of the Act.

b) The passing score on each examination is 75.

c) Retakes for Nail Technicians

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1) An applicant who fails to pass a third examination for licensure as a nail technician must submit an official transcript from a cosmetology school approved to teach nail technology or a nail technology school approved by the Department showing successful completion of a 60 hour refresher course prior to taking the examination a fourth time.

2) An applicant upon failing the fourth examination must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire course of nail technology training prior to taking the examination a fifth time.

3) For purposes of examination retakes, the fifth attempt shall count as the first.

4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2) above.

d) Retakes for Nail Technology Teachers or Nail Technology Clinic Teachers

1) An applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school approved to teach nail technology teachers or nail technology clinic teachers or a licensed nail technology school approved to teach nail technology showing successful completion of an 80 hour refresher course prior to taking the examination a fourth time.

2) An applicant, upon failing the fourth examination, must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire course of ~~nail-technology~~ teacher training prior to taking the examination a fifth time.

3) For purpose of examination retakes, the fifth attempt shall count as the first.

4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (d)(1) and (2) of this Section.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.1020 Endorsement

a) An applicant currently licensed as a nail technician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:

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- 1) A certification from the jurisdiction of original licensure stating:
 - A) A brief description of any licensure examination taken and the scores received; and
 - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
- 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed;
- 3) Certification of current licensure if other than original licensure;
- 4) A complete work history showing all employment since graduation from nail technology school to present;
- 5) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;
- 6) The required fee set forth in Section 1175.100; and
- 7) Successful completion of the Illinois Nail Technician Licensure Examination. ~~A copy of the licensing Act applicable on the date of original licensure showing requirements for licensure if requested by the Department in the application review. The Department shall make such a request if the application materials are incomplete.~~

An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may acquire a maximum of 50 hours of nail technology training from a licensed Illinois cosmetology school.

- b) An applicant currently licensed as a nail technology teacher or nail technology clinic teacher in another jurisdiction and who is seeking licensure in Illinois as a nail technician-teacher by endorsement shall file an application, on forms provided by the Department, which shall include:
 - 1) a certification from the jurisdiction of original licensure stating:
 - A) A brief description of any licensure examination taken and the scores received; and
 - B) Whether the applicant's file contains any record of disciplinary action taken or pending;
 - 2) Official transcripts from the school(s) attended by the applicant showing the courses completed and the hours received with the school seal affixed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) Either:
 - A) Two Verification of Employment forms submitted by the applicant who completed at least 500 hours of teacher training. A nail technology teacher applicant shall submit verification of 2 years of lawful practice as a nail

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- technician or cosmetologist; or
- B) Two Verification of Employment forms shall be submitted by the applicant who completed at least 250 hours of clinic teacher training. A nail technology clinic teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or
- C) 5) Two Verification of Employment forms shall be submitted by the applicant for a nail technology teacher or nail technology clinic teacher license who is applying on the basis of 3 years of lawful practice as a nail technology teacher in another jurisdiction;
- 5) 6) A complete work history showing all employment since graduation from basic nail technology school to present;
- 6) 7) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
- 7) 8) The required fee set forth in Section 1175.100; and
- 8) 9) Successful completion of the Illinois Nail Technician Teacher Licensure Examination. ~~A copy of the licensing Act applicable on the date of original licensure showing requirements for licensure if requested by the Department in the application review. The Department shall make such a request if the application materials are incomplete.~~
- c) An applicant for licensure as a nail technician who is licensed in another jurisdiction shall be given 75 hours of educational credit for every 12 month period during which he/she was lawfully employed as a nail technician. To obtain credit for work experience, the applicant shall submit verification of employment in support of the work experience on forms provided by the Department. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.
- d) ~~An applicant applying for licensure as a nail technician or nail technology teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.1010(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.1025 Renewals

- a) ~~The first renewal period for licenses issued under Article 30 of the~~

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Act shall be October 31, 1996. Every nail technician, nail technology teacher, nail technology clinic teacher and nail technology school license shall expire on October 31 of each even numbered year. b) The holder of a license may renew the license during the month preceding its expiration date.

b)c) Applicants for renewal as nail technicians shall:

- 1) Return a completed renewal application.
- 2) Nail Technician. Certify on the renewal application that they have successfully completed a minimum of 10 hours of continuing education from a nail technology continuing education sponsor registered with approved by the Department in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license.

A) For the October 31, 1998, renewals, each individual who applies for renewal of a nail technician license other than first-time renewal applicants, shall be required to complete 10 hours of continuing education in accordance with Subpart b).

B) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license.

C) The Department may require additional evidence demonstrating compliance with the requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

3) Submit the required fee set forth in Section 1175.100.

d) Applicants for renewal as nail technology teachers shall:

1) Return a completed renewal application.

3) Nail Technology Teacher and Nail Technology Clinic Teacher. Certify on the renewal application that they have successfully completed a minimum of 20 hours of continuing education from a nail technology teacher continuing education sponsor registered with approved by the Department, in accordance Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license. A) For the October 31, 1998, renewals, each individual who applies for renewal of his/her nail technology teacher license other than first-time renewal applicants, shall be required to complete 20 hours of continuing education in accordance with Subpart b). Ten of the hours shall be in the following areas: teaching methodology, educational psychology and classroom management or other subjects related to teaching.

A) Teaching Methodology;

B) Educational Psychology;

C) Classroom Management; or

D) Other teaching related courses.

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B) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license.

C) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

4) Submit the required fee set forth in Section 1175.100.

C) A renewal applicant is not required to comply with continuing education requirements for the first renewal after issuance of the original license.

D) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.

E) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license.

F) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1175.1035 Restoration - Nail Technology Teacher or Nail Technology Clinic Teacher

A) A person applying for restoration of a nail technology teacher or nail technology clinic teacher license that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Department. An applicant shall also submit and pay the required fee as set forth in Section 1175.100, and provide evidence of successful completion of 20 hours of continuing education in accordance with Sections 1175.1200 and 1175.1210 earned within 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100 of this Part.

B) A person applying for restoration of a nail technology teacher or nail technology clinic teacher license that has been expired for 5 years or more shall submit an application on forms provided by the Department along with:

- 1) Verification of employment as a nail technology teacher or nail

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technology clinic teacher ~~7--attesting-to-lawful-nail-technology teaching-practice~~ in another jurisdiction within the 5 years preceding application for restoration;

- 2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed--~~An applicant for--restoration-who-has-not-maintained-lawful-practice-as-determined-by-the-laws-of-that-jurisdiction)-in--another jurisdiction-shall-also-submit-official-transcripts--showing successful-completion-of-a--250-hour--nail-technology-teacher refresher-course-from-an-approved-cosmetology-or-nail-technology school--or--pass--the--teacher-examination--set-forth-in-Section 1175.1005-within-2-years-prior-to-or-within-2--years--after--the restoration--application.-----An-applicant-who-completes-this refresher-course-or-takes--the-examination--shall-not-also-be required-to-complete-20-hours-of-continuing-education;~~

- 3) A complete work history showing all employment since the Illinois license lapsed;

- 4) A completed Restoration Questionnaire;

- 5) Evidence of successful completion of 20 ~~10~~ hours of continuing education earned within the 2 years immediately preceding restoration; and

- 6) The required fee as set forth in Section 1175.100.

c) An applicant for restoration of a nail technology teacher license who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 125 hour nail technology teacher refresher course from an approved cosmetology or nail technology school or pass the teacher examination set forth in Section 1175.1005 within 2 years prior to or within 2 years after the restoration application. An applicant who completes this refresher course or takes the examination shall not also be required to complete 20 hours of continuing education.

d) An applicant for restoration of a nail technology clinic teacher license who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 60 hour nail technology clinic teacher refresher course from an approved cosmetology or nail technology school or pass the teacher examination set forth in Section 1175.1005 within 2 years prior to or within 2 years after the restoration application. An applicant who complete the refresher course or takes the examination shall not also be required to complete 20 hours of continuing education.

e) If restoring after active military service, the applicant shall submit a copy of his/her Honorable Discharge form (DD-214) and the current renewal fee.

f) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

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(Source: Amended at 23 Ill. Reg. _____, effective _____.)

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section 1175.1141 Curriculum Requirements - Nail Technology Clinic Teacher

- a) An approved school that intends to provide nail technology clinic teacher training must utilize a teacher curriculum that includes a minimum of 250 hours as follows:

1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.

2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university.

3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.

4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.

- b) The approved curriculum for a 250 hour Clinic Teacher Training Course shall be based upon 2 years of practical experience.

(Source: Added at 23 Ill. Reg. _____, effective _____.)

SUBPART L: CONTINUING EDUCATION

Section 1175.1200 Sponsor Approval

- a) Sponsor, as used in this Section, shall mean accredited universities and colleges, industry or trade associations, corporate salons, franchise salons, independent salons, vocational and technical schools, cosmetology schools, and other entities (Section 4-1.5(a)) that have been approved and authorized by the Department to coordinate

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and present continuing education courses or programs for cosmetologists, cosmetology teachers, estheticians, esthetic teachers, nail technicians or nail technology teachers.

- b) A continuing education sponsor application shall be filed with the Department to be approved as a continuing education sponsor. The application shall include:

1) A copy of the Certificate of Attendance which shall contain the following information:

- A) The CE sponsor registration number, name and address;
- B) Category of CE (cosmetology, nail technician, esthetics);
- C) Name and license number of the participant;
- D) Number of hours awarded; and
- E) Course title and date of course.

2) A 3 hour CE course outline, including evidence of appropriate facilities, instructor qualifications and content of the course.

3) Name and address of the contact person responsible for all recordkeeping.

4) Certification that the sponsor will comply with all sponsor CE requirements set forth in this Subpart.

5) The required fee set forth in Section 4-1.5(d) of the Act.

- c) A CE sponsor shall provide CE courses and programs that are organized programs of formal learning that contribute directly to a licensee's knowledge and ability to perform duties as a licensee. No product sales shall be permitted during a continuing education program. (Product sales/selling is any activity that involves a deal sheet or invoice or mention of price(s) or special deals. Such activities are prohibited during the presentation of continuing education programs.) After the continuing education program is concluded and the certificates of attendance are distributed to the attendees, product sales shall be permitted. (Section 4-1.5(e)(2)) A continuing education program or course must meet the following minimum requirements:

- 1) Be developed and presented by persons with education, training and/or practical experience in the subject matter to be presented.
- 2) Include a student evaluation of both instructor and the course.
- 3) Specify the course objectives, content, prerequisites, requirements, the licensure category for which the CE applies and the number of CE hours to be earned. Such information shall be specified in all promotional materials.
- 4) Be in the following subject areas for cosmetologists, estheticians and nail technicians:
 - A) Advanced product chemistry and chemical interaction;
 - B) The use of machines and implements;
 - C) Sanitary procedures;
 - D) Hazardous chemicals;
 - E) Exposure minimization;
 - F) Updated use of implements as they relate to applicable

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services under this Act;

G) Advanced knowledge of the anatomy of the skin, scalp, hair and/or nails;

H) Human relations/communication skills; and

I) Management and marketing.

- 5) Be in the following subject areas for cosmetology, esthetics and nail technology teachers in addition to the areas set forth in subsection (c)(4) of this Section. (Cosmetology, esthetics and nail technology teachers are required to complete 10 of the 20 CE hours in these areas.)

- A) Teaching methodology;
- B) Educational psychology; and
- C) Classroom management.

6) Individual study courses (correspondence, audio or video courses) sponsored by an approved sponsor shall include an examination and a means of verification that the licensee has successfully completed such course. (See Section 1175.1210(e).)

- d) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address and license number for each participant, category of CE (cosmetology, nail technician, esthetics, teacher education), number of hours awarded, course title and date of course. Sponsors may delegate recordkeeping duties to one of their members or member groups. (Section 4-1.5(a))

e) CE sponsors shall be required to renew their approval every two years year upon submittal of the renewal application and the required fee. The first renewal shall be December 31, 1997.

- f) All CE programs given on or after October 1, 1996, must be given by a sponsor who has been approved by the Department to provide continuing education.

g) All sponsors approved by the Department as of December 31, 1995, will be required to submit an application, the required fee and meet the current requirements set forth in this part and the Act to continue to provide continuing education programs on or after October 1, 1996. An approved sponsor may subcontract with individuals and organizations to provide approved programs. These persons must meet the criteria established in Section 4-1.5(e)(1) and (2). (Section 4-1.5(j)) Any time the sponsor subcontracts with a presenter, all advertisements, promotional materials and the Certificate of Attendance will bear the name, address and registration number of the sponsor. The name of the subcontractor may appear as the "presenter" but no document shall imply that the subcontractor is registered as a CE sponsor.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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SUBPART M: SHOP REGISTRATION

Section 1175.1300 Application for a Barber Shop or Cosmetology, Nail Technician or Esthetics Salon Certificate of Registration

a) Pursuant to Article IIID of the Act, all cosmetology, nail technician or esthetics salons and barber shops shall obtain a certificate of registration from the Department in order to operate in Illinois. A shop shall file an application with the Department, on forms supplied the Department. The application shall include the following:

- 1) Shop name, street and city address and telephone number;
- 2) Shop owner's name, home address and home telephone number;
- 3) If a partnership, a copy of the partnership agreement and all partners' home addresses and phone numbers; and
- 4) If a corporation, a copy of the Articles of Incorporation as filed with the Illinois Secretary of State and a list of all corporate officers and managers.

b) A separate certificate of registration is required for each shop location and a separate application shall be submitted to the Department.

c) Change of Location. All registered shops/salons shall notify the Department of any change of address. The certificate of registration shall be returned to the Department and a new certificate of registration will be issued with the new address for a fee of \$20.

d) Change of Ownership. When the ownership of the shop changes, the new owner shall be required to file a new application for a certificate of registration with the Department pursuant to Section 3D-5(c) of the Act.

e) All certificates of registration shall expire on November 30 of even numbered years.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: College Savings Bond Bonus Incentive Grant (BIG) Program

2) Code Citation: 23 Ill. Adm. Code 2771

3) Section Numbers: Proposed Action:
2771.APPENDIX A Amendment

4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act (110 ILCS 920/8)

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

The Table of Grant Amounts contained in Section 2771.APPENDIX A has been updated to include the most recent sale of College Savings Bonds which took place in November of 1998.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

Section

2771.10 Summary and Purpose

2771.20 Applicant Eligibility

2771.30 Program Procedures

2771.40 Institutional Procedures

APPENDIX A Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11018, effective July 18, 1997; amended at 22 Ill. Reg. 11035, effective July 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

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Section 2771. APPENDIX A - Table of Grant Amounts

GRANT AMOUNT PER \$5000 COMPOUND
ACCREDITED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	1/88 Bond Sale	10/88 Bond Sale	11/89 Bond Sale	11/90 Bond Sale	9/91 Bond Sale
1991	-	-	\$ 40	-	-
1992	-	-	\$ 60	\$ 40	-
1993	\$100	\$100	\$ 80	\$ 60	\$ 40
1994	\$120	\$120	\$100	\$ 80	\$ 60
1995	\$140	\$140	\$120	\$100	\$ 80
1996	\$160	\$160	\$140	\$120	\$100
1997	\$180	\$180	\$160	\$140	\$120
1998	\$200	\$200	\$180	\$160	\$140
1999	\$220	\$220	\$200	\$180	\$160
2000	\$240	\$240	\$220	\$200	\$180
2001	\$260	\$260	\$240	\$220	\$200
2002	\$280	\$280	\$260	\$240	\$220
2003	\$300	\$300	\$280	\$260	\$240
2004	\$320	\$320	\$300	\$280	\$260
2005	\$340	\$340	\$320	\$300	\$280
2006	\$360	\$360	\$340	\$320	\$300
2007	\$380	\$380	\$360	\$340	\$320
2008	\$400	\$400	\$380	\$360	\$340
2009	-	-	\$400	\$380	\$360
2010	-	-	\$420	\$400	\$380
2011	-	-	-	\$420	\$400
2012	-	-	-	\$420	\$420

* If no grant amount is shown, there were no bonds sold at that maturity for that particular issue.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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GRANT AMOUNT PER \$5000 COMPOUND
ACCREDITED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	10/92 Bond Sale	10/93 Bond Sale	10/94 Bond Sale	11/97 Bond Sale	11/98 Bond Sale
1994	\$40	-	-	-	-
1995	\$60	\$40	\$15	-	-
1996	\$80	\$60	\$40	-	-
1997	\$100	\$80	\$60	-	-
1998	\$120	\$100	\$80	-	-
1999	\$140	\$120	\$100	-	-
2000	\$160	\$140	\$120	-	-
2001	\$180	\$160	\$140	-	-
2002	\$200	\$180	\$160	\$80	\$60
2003	\$220	\$200	\$180	\$100	\$80
2004	\$240	\$220	\$200	\$120	\$100
2005	\$260	\$240	\$220	\$140	\$120
2006	\$280	\$260	\$240	\$160	\$140
2007	\$300	\$280	\$260	\$180	\$160
2008	\$320	\$300	\$280	\$200	\$180
2009	\$340	\$320	\$300	\$220	\$200
2010	\$360	\$340	\$320	\$240	\$220
2011	\$380	\$360	\$340	\$260	\$240
2012	\$400	\$380	\$360	\$280	\$260
2013	\$420	\$400	\$380	\$300	\$280
2014	-	\$420	\$400	\$320	\$300
2015	-	\$440	\$420	\$340	\$320
2016	-	-	\$440	\$360	\$340
2017	-	-	-	\$380	\$360
2018	-	-	-	\$400	\$380
2019	-	-	-	\$420	\$400
2020	-	-	-	\$440	\$420
2021	-	-	-	-	\$440

* If no grant amount is shown, there were no bonds sold at that maturity for that particular issue.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Federal Family Education Loan Program (FFELP)2) Code Citation: 23 Ill. Adm. Code 27203) Section Numbers: Proposed Action:

2720.10	Amendment
2720.30	Amendment
2720.50	Amendment
2720.55	Amendment
2720.60	Amendment
2720.70	Amendment
2720.80	Amendment

4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Section 2720.30 (c), which relates to institutional eligibility has been deleted, and moved to General Provisions, Section 2700.30(n), to reflect its broader programmatic applicability beyond just FFELP.

A number of amendments are being proposed to this Part as a result of changes due to the federal Higher Education Amendments of 1998 (Public Law 105-244), which reauthorized the Higher Education Act of 1965. In Section 2720.50(b), references to the Application/Promissory Note as a specific form have been replaced with more general references to a common ED-approved promissory note. With the introduction of the master promissory note and the use of the FAFSA as an application for loans under FFELP, there may be a wider variety of methods by which an applicant may obtain an FFELP loan. The specific form(s) used to apply and sign for the loan do not matter, as long as the form(s) meet with ED approval requirements. These changes parallel existing language already used in Section 2720.10(a) for the application.

The Higher Education Amendments of 1998 made significant changes to

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the activities previously known as "preclaim." Throughout this Part, the term "preclaim" has been replaced by "default aversion," consistent with the new statutory language referencing those activities of an agency related to providing collection assistance to a lender on a delinquent loan, prior to the loan being legally in default. Section 2720.60, now known as Default Aversion Assistance, has been amended to reflect the modification of the time frames during which certain activities may now be performed. Due to the changing nature of these time frames, rather than attempting to incorporate multiple different time frames, this Section now refers to the time frames as specified in federal regulations and the Higher Education Act of 1965, as amended. This is consistent with the agency's recent practice, and should allow for ISAC's rules to remain current by reflecting changes to federal regulations as they occur, without the need for frequent rules amendments, and will eliminate redundancy by pointing to federal regulations with which ISAC lenders and institutions must already comply.

Similarly, in Section 2720.70, Reimbursement Procedures, changes have been made to provide more general references to the time frames for default of student loans, since different time frames will now apply to different loans. Reference is now made to federal regulations and the Higher Education Act of 1965, as amended. Also, the term "insurance premium" has been replaced with the more accurate term "guarantee fee" throughout this Part. This term is more consistent with industry terminology as well as disclosure information provided to borrowers. And finally, in Section 2720.70(m), the time frame during which a lender or holder must submit a request for an increase in claim payment has been increased from 60 days to 90 days to conform with standard industry practice. Also, a 90-day window has been established within which ISAC must respond to the lender or holder.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this

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proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

FEDERAL FAMILY EDUCATION LOAN PROGRAM
(FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions (Repealed)
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Educational Lender Eligibility
2720.25	Institutional Eligibility
2720.30	Holder Eligibility
2720.35	Procedures for Obtaining a Guaranteed Loan
2720.40	One-Lender Requirement
2720.41	One-Holder Requirement
2720.42	Procedures for Disbursement and Repayment
2720.50	Federal Consolidation Loan Program
2720.55	Default Aversion Program Assistance
2720.60	Reimbursement Procedures
2720.70	Student Guarantee Fee
2720.80	Guarantee Transfers
2720.90	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section	Summary and Purpose
2720.105	IDAPP Eligible Loans
2720.120	IDAPP Eligible Lenders
2720.130	

SUBPART C: ISAC ORIGINATED LOANS

Section	Summary and Purpose
2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program (IOP)
2720.220	Federal Family Education Loan Program (FFELP) Loans

APPENDIX A Required Activities of Educational Lenders (Repealed)

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AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

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Section 2720.10 Eligibility for ISAC Loan Guarantees

- a) Applicants may apply for a loan guarantee by submitting a common ED-approved application form.
- b) Borrower eligibility ~~Eligibility~~ requirements for guaranteed loans are established by federal regulations (34 CFR 682.201).
- c) The student must be enrolled, or accepted for enrollment, at an approved postsecondary institution which has certified the applicant as eligible for a guaranteed loan.
- d) An applicant shall not be disqualified for a loan guarantee by ISAC if the lender, the institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 8-6-A- 1071 et seq.), of federal regulations and of this Subpart.
- e) No loan guarantee shall be issued if such loan would exceed the aggregate amount permitted such borrower, as specified by federal regulations (34 CFR 682.204).
- f) The institution shall compute a recommended loan amount for each applicant in accordance with Section 425(a)(1) of the Higher Education Act, as amended. No guaranteed loan may exceed the institution's recommended amount.
 - 1) When certifying loan eligibility for an academic year which will span academic levels, the institution's recommended loan amount shall not exceed the maximum permitted for the applicant's academic level at the time of certification.
 - 2) Should a student borrow in excess of the permitted loan maximums, the student becomes ineligible for federal financial assistance for that academic year. (See Section 484 of the Higher Education Act of 1965, as amended (20 USC 8-6-A- 1091) and 34 CFR 668.7(a)(9).)

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in federal regulations. Eligible postsecondary institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical and vocational schools. Correspondence institutions/programs are not eligible.
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC-guaranteed loan programs. (See 34 CFR 668.14.)

c) ~~When an approved institution has a change of ownership resulting in a change of control, a change of location or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has~~

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~~undergone--a change-of-status-affecting-its-participation-in-any-title IV-federal-student-financial-aid-programs--the-institution-may-have its-eligibility-reinstated-by-the-execution-of--a-new-program Participation-Agreement-with-ED-(see-e-g-34-CFR-688-30-et-seq)-and by-the-submission-and-approval-of-a-new-application-for-participation with-EDAC.~~

~~c)†~~ An institution may not engage in loan origination activities. This prohibition shall not apply if the institution has an ED-approved Origination Agreement on file with ISAC and the institution has been approved as an educational lender. (See Section 2720.25 of this Part and 34 CFR 682.601.)

~~d)†~~ Approved institutions shall provide ISAC with the current enrollment status of students whom the institution has certified as eligible borrowers in accordance with federal regulations. (See 34 CFR 682.610(c).)

~~e)†~~ Applicant and approved institutions must demonstrate administrative capability and financial responsibility, as defined by federal regulations, in order to begin and to continue participation in ISAC-guaranteed loan programs. (See, e.g., 34 CFR 668.14 and 668.15.)

~~f)†~~ Institutions wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the state in which it operates demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation.

Participation will be decided by an examination of application materials and a determination of compliance with federal laws and regulations and State statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.

~~g)†~~ Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

~~h)†~~ A foreign postsecondary institution, located outside the United States, is eligible to participate in ISAC-guaranteed loan programs provided it produces evidence to ISAC of current eligibility with ED (e.g., Program Participation Agreement, Institutional Eligibility Notice, etc.) or documentation of such eligibility is available directly from ED.

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(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2720.50 Procedures for Disbursement and Repayment

a) Disbursement and repayment procedures are specified in federal regulations.

b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note ~~completed---Application/Promissory-Note~~ for the principal and interest on the loan. The lender shall retain the original copy of the promissory note ~~Application/Promissory-Note~~.

c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan which is payable by ED.

d) Except for loans pursuant to Section 2720.55, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.

e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.

1) Federal Stafford Loan checks or electronically transmitted funds shall be payable to the student borrower unless the institution requires all loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable or sent via EFT to the institution and the parent-borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.

2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 90 days after the end of the loan period or 90 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. If the loan proceeds are not delivered pursuant to this subsection, the school must request that the loan be canceled and must return any loan proceeds.

3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.

A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.609), the

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institution shall pay penalty interest.

B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.

C) The penalty interest shall be paid to the lender or subsequent holder.

f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder.

g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 240 days before the first payment on the loan is due from the borrower.

h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.

i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.

j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(C) of the Higher Education Act of 1965, as amended, and by federal regulations.

k) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by federal regulations.

l) ISAC provides lenders or holders with the forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, forbearance forms). Lenders and holders may use non-ISAC forms provided the alternative form meets the requirements of federal regulations and is compatible with ISAC's data processing requirements.

m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2720.55 Federal Consolidation Loan Program

a) ISAC shall guarantee Federal Consolidation Loans pursuant to Section 428C of the Higher Education Act of 1965, as amended (20 USC 85-8-6-1078-3).

b) Lenders may make Federal Consolidation Loans provided participation in the Federal Consolidation Loan Program is authorized by the Lender Agreement. (See Section 2720.20(a).)

1) ISAC shall initially authorize a lender to issue no more than \$5,000,000 in guaranteed Federal Consolidation Loans.

2) A lender may receive additional lending authority provided an

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ISAC compliance review indicates the lender is complying with federal regulations, statutes and rules. (See Section 2720.20(f).)

c) All applications and promissory notes shall be in a form approved by ED. Lenders shall report to ISAC when a Federal Consolidation Loan is made.

d) Lenders or holders shall request default aversion preclaim assistance and reimbursement on Federal Consolidation Loans in accordance with Sections 2720.60 and 2720.70.

e) Lenders or holders shall pay the U.S. Department of Education all fees required by Section 428C(f) of the Higher Education Act, as amended, for Federal Consolidation Loans made on or after October 1, 1993.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2720.60 Default Aversion Preclaim Assistance

a) ISAC functions in a supplementary role to assist the lender or holder in its collection of a loan that is at least 60 90 days delinquent. After requesting default aversion preclaim assistance, the lender or holder shall continue with normal collection activity. The following information is requested with the request for assistance, if available:

- 1) name and Social Security Number (SSN);
- 2) employer's name and telephone number;
- 3) home address and telephone number;
- 4) identification of the problem;
- 5) date and amount of each payment;
- 6) loan amounts; and
- 7) number of days delinquent.

b) The request for default aversion preclaim assistance must be sent to ISAC in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended. no earlier than 90 days after the first day of delinquency and no later than 180 days after the first day of delinquency. For accounts paid less frequently than monthly (e.g., quarterly), the request for preclaim assistance must be filed no earlier than the 140th day of delinquency and no later than the 160th day of delinquency.

c) For 10 or more accounts submitted in one month, the default aversion request for preclaim assistance request and subsequent default aversion preclaim transactions must be submitted electronically, in a format approved by ISAC, from which collection action can begin or cease immediately.

d) If a borrower's address is unknown, the lender shall attempt to locate the borrower pursuant to federal regulations. (See CFR 682.411.) The lender may file for default aversion preclaim or skip-tracing assistance when it has completed its skip-tracing efforts. If it has

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not already done so, the lender shall file for assistance in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended. ~~within 10 days before or after either the 90th day of delinquency for loans due monthly or the 150th day for loans that are due less frequently than monthly.~~

e) ~~When a lender files for preclaim assistance, that lender is automatically filing for supplemental preclaim assistance (the collection assistance provided by ISAC after the loan is 120 days delinquent).~~

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 2720.70 Reimbursement Procedures

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or forgiveness due to death, total and permanent disability, attendance at a school that closes, or false certification by a school of a borrower's eligibility for a loan, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.502.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the ~~no earlier than 180 days after the first day of delinquency and no later than 270 days after the first day of delinquency.~~ The lender or holder shall be reimbursed in accordance with federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee ~~insurance premium~~ established by Section 2720.80.
- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and

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- exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee ~~insurance premium~~, and the federal loan origination fee, shall be contracted for or received by the lender.
 - h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
 - i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations. (See 34 CFR 682.410.)
 - j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
 - 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
 - 3) ISAC shall notify a borrower of the possibility of an offset no less than 15 days prior to the first offset. ISAC may provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within 15 days after and including the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
 - 4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.
 - k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(c)).
 - l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.
 - m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 60 days after receiving the claim payment. ISAC will provide the lender or holder with a determination within 90

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days after receiving the request and supporting documentation.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2720.80 Student Guarantee Fee

- a) ISAC charges each borrower a guarantee fee on each guaranteed loan. The fee(s) collected by the lender must be remitted to ISAC no less frequently than monthly.
- b) The amount of the guarantee fee collected on each loan shall be no greater than the maximum permitted by the Higher Education Act, as amended. The exact amount of the fee shall be computed by ISAC and disclosed to the borrower on the notice of guarantee/disclosure statement. The rate of the fee shall be determined by resolution of the Commission. When establishing the rate of the fee, the factors to be considered by the Commission include: the solvency of the Student Loan Revolving Fund, projected application volume and the timeliness of payments from ED pursuant to the Higher Education Act of 1965, as amended (20 USCA 856-A- 1071 et seq.).
- c) Refunds of guarantee fees shall be made to the borrower in accordance with federal regulations. (See 34 CFR 682.401(b)(10)(vi).)
- d) The guarantee fees shall be deposited in the Student Loan Revolving Fund. In accordance with federal regulations, such proceeds may only be used to reimburse lenders for defaulted guaranteed loans, to pay the administrative expenses of ISAC or to pay the reinsurance fee assessed by ED.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3) Section Numbers:
2700.20 Amendment
2700.30 Amendment
2700.50 Amendment
2700.60 Amendment
2700.70 Amendment
- 4) Statutory Authority: Implementing Sections 1 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/1 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2700.20, Definitions, the definition of "consortium agreement" has been deleted, since it is no longer used in the text of the rules. A reference to consortium agreement has now been added to the definition of "contractual agreement," in order to clarify the distinction between the two different types of agreements. A new definition, "FAFSA Receipt Date," has been added in order to help clarify when the Free Application for Federal Student Aid (FAFSA) must be filed in order to meet the required priority consideration dates for MAP (Part 2735). The definitions for both "fire officer" and "police officer" have both been amended, and references to death and disability removed from the definition, since they are already reflected in the program part (Part 2732), where they more appropriately belong.

In Section 2700.30, General Institutional Eligibility Requirements, a change was made to Section 2700.30(1) to clarify that, while institutions having different main OPE-ID numbers (the first six digits of the eight-digit code number) are treated as separate entities, institutions having different campus codes (the last two digits of the code number) do not constitute separate entities. A new

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Section 2700.30(n), which relates to reinstatement of institutional eligibility following a significant change of status affecting its participation in federal Title IV financial aid programs, has been added by moving the text from Section 2720.30 (c), in the FFELP Part, to reflect its broader programmatic applicability beyond just FFELP.

Three new documents have been added to the list in Section 2700.50(g)(3) that may be used to provide evidence of Illinois residency. The proposed addition of these documents is intended to provide applicants and institutions more ways in which to document compliance with existing residency requirements. A new Section 2700.50(j) has been added to specifically exempt benefits under the new Illinois Prepaid Tuition Program, College Illinois!, from being taken into account in determining the eligibility of an applicant for any ISAC gift assistance program, as required by the Illinois Prepaid Tuition Act (Public Act 90-546).

The provision for recovery of funds due to ISAC as a result of audit findings in Section 2700.60(e) has been modified to reflect current practice and to ensure that any refunds are credited to the appropriate fiscal year. Under existing practice, institutions are required to separately repay funds due to ISAC as a result of audits, rather than having such funds deducted from subsequent payments from ISAC to the institution.

And finally, the appeal procedures in Section 2700.70 have been modified. After being pursued up through the appropriate sequence of ISAC's administrative levels, including the Executive Director, an appeal can be taken to an independent hearing officer. Previously, the decision of the hearing officer could, in turn, be appealed to the Commission. It is now proposed that this final step be eliminated, and that the hearing officer's decision be considered as final. This is being done for a number of reasons. First, the volume of appeals reaching the hearing officer stage is increasing dramatically, and the matters being appealed are increasingly technical in nature. Staff does not wish to burden the Commission itself with lengthy agendas of administrative actions, so that it will have more time available to devote to higher level policy issues. Furthermore, by the time an appeal has made it to the hearing officer level, it has already had numerous reviews by staff at a number of levels, and has had a thorough and fair opportunity for consideration. And finally, an appellant must exhaust all possible levels of appeal before taking a matter to civil court. By shortening the appeal process, staff feels it can expedite the process under which appellants can seek legal remedy.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
847/948-8500

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section

2700.10 Summary and Purpose

2700.20 Definitions

2700.30 General Institutional Eligibility Requirements

2700.40 General Applicant Eligibility Requirements

2700.50 Determining Applicant Eligibility

2700.55 Electronic Data Exchanges

2700.60 Audits and Investigations

2700.70 Appeal Procedures

2700.80 Contractual Agreement Requirements

AUTHORITY: Implementing Sections 1 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/1 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 2700.20 Definitions

"Academic Level" - The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at

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Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.2.

"Alternative Loan" - Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USCA 8-S-E-A- 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" - Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" - The United States Army, Air Force, Navy, Marines and Coast Guard.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" - A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" - One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" - The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accredited Value" - An amount equal to the original amount plus an investment return accrued to the date of determination at a

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semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accredited Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" - The simultaneous enrollment at two or more institutions.

"Consolidation" - A federal program which allows borrowers to consolidate a number of loans into one, as authorized by Section 428C of the HEA.

~~"Consortium Agreement" - The written agreement between two or more institutions eligible to participate in any of the programs administered by the Illinois Student Assistance Commission (as defined in Section 2400.30 and subsequent parts of ISAC's rules) whereby one eligible institution provides part of the education program of students enrolled at another eligible institution. ISAC reserves the right after review of the agreement, to make the final decision regarding the amount, if any, and the destination of final gift assistance payment(s).~~

"Contractual Agreement" - The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" - An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Co-signer" - A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" - For the purposes of ISAC's rules, this term is defined at Section 472 of the Higher Education Act of 1965, as amended (20 USCA 8-8-E-A- 108711).

"Cumulative Grade Point Average" - The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

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"Default Status" - The failure or refusal of a borrower to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" - For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" - A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" - In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"ED" - The acronym for the United States Department of Education.

"Educational Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization with enrolls students who participate in ISAC programs.

"Educational Lender" - An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" - The acronym for electronic funds transfer.

"Eligible Noncitizen" - A noncitizen who is eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 8-8-E-A- 1091.)

"Endorser" - A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Expected Family Contribution" - The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 USCA 8-8-E-A- 1087nn.)

"FAFSA" - The acronym for the Free Application for Federal Student Aid.

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"FAFSA Receipt Date" - The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" - For the purposes of ISAC's rules, this term means a firefighter who is killed or permanently disabled in the line-of-duty while employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" - An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 682.200.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" - The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan(s)" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation

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Loan programs.

"HEA" - The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USCA 8-S-E-A 1070 et seq.

"Half-time Student" - In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than twelve credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" - The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" - For the purposes of ISAC's rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 USCA 8-S-E-A 1087vv.)

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"Institution of Higher Learning" - An educational organization located in Illinois which:

provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State, or

publicly or privately, not for profit, or

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for profit, provided it:

Offers degree programs which have been approved by the IBHE for a minimum of three years under the Academic Degree Act, and

enrolls a majority of its students in these degree programs, and

maintains accredited status with the North Central Association of Colleges and Schools Commission on Institutions of Higher Education.

For otherwise eligible educational organizations which provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act).

"Institution of Record" - The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" - The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" - The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" - An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" - The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" - The acronym for the Monetary Award Program administered by ISAC, as authorized by 110 ILCS 947/35 and codified at 23 Ill. Adm. Code 2735.

"Master Check" - A single check representing the loan proceeds for more than one borrower.

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"Minority Student" - A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" - For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2.

"Pell Grant" - A federal gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 USCA 8-8-6-A- 1070a et seq.)

"PLUS" - The federal program which provides loans to parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 USCA 8-8-6-A- 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" - For the purposes of ISAC's rules, this term means a law enforcement officer who is ~~hired or permanently disabled in the line-of-duty~~ while employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" - An individual who meets the eligibility requirements of the gift assistance program for which s/he is applying.

"Regular School Year" - An eight to nine month period of time which includes two semester terms or three quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" - The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to

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complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parent(s)' temporary physical absence from Illinois provided the parent(s) would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

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"Rules" - The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 8-9-e-7-1091.)

"Service Academy" - *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" - The acronym for the federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act, as amended (20 USCA 8-6-e-7-1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" - A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" - The federal subsidized and unsubsidized loan programs as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 USCA 8-6-e-7-1078).

"Student Beneficiary" - An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a teacher education program.

"Teacher Shortage Discipline" - An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois

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State Board of Education.

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by an institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2700.30 General Institutional Eligibility Requirements

a) ISAC Program Participation Agreement

1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.

2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.

3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.

4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.

c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)

d) Postsecondary institutions which participate in gift assistance programs shall annually submit to ISAC a copy of both their satisfactory academic progress policy and their tuition refund policy. Public postsecondary institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard Grant Program and the Illinois Veteran Grant Program. Such submissions shall not be considered ISAC approval of such policies.

e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges to ISAC on or before June 1 preceding each academic year.

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- 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.
- 2) The report shall match specific fee charges with the gift assistance program(s) which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.
- 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)

A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.

B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.

f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.

g) Additional institutional eligibility requirements are contained in subsequent parts of ISAC's rules.

h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.

i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.

1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.

2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)

3) Institutional applicants which are fully accredited by the North Central Association and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (i)(4)(C) and (D) below.

4) Institutional applicants which do not meet the requirements of subsection (i)(3) above may be approved to participate in ISAC gift assistance programs if the institution has:

- A) obtained candidate status for North Central accreditation.
- B) applied for and is seeking degree-granting authority.
- C) obtained at least three letters indicating the

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transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See 23 Ill. Adm. Code 2735.60.)

D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.

5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)

6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years.

A) On or before June 1 preceding each academic year, an institution with provisional eligibility shall annually submit three letters indicating the transferability of academic credit to other institutions for the following academic year. These letters must be from ISAC-approved MAP institutions which are fully accredited by the North Central Association.

B) An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.

j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see Section 487 of the Higher Education Act of 1965, as amended (20 USC 485-6-A-1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.

k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes

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associated with the same main OPE-ID number will not be considered separate entities.

m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.

n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 2700.50 Determining Applicant Eligibility

a) The evaluation of applicant eligibility is the responsibility of both the institution and ISAC.

b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.

c) When requesting payment for ISAC gift assistance programs, the postsecondary institution must certify that the applicants are eligible for the assistance. If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.

d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules and/or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.

e) If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.

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- f) If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.
- g) Because ED verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the institution.
- 1) Notwithstanding the requirements of subsection (g)(2) below, residency verification shall not be required for students who received payment of a MAP award during the previous academic year.
 - 2) Residency status shall be verified for each applicant who is selected for verification and meets one of the following criteria:
 - A) the applicant has changed dependency status and has become an independent student;
 - B) the applicant has not been enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) during the preceding twelve months; or
 - C) the institution has any information which indicates the applicant may not be a resident of Illinois.
 - 3) Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant twelve continuous, full months.
 - A) A valid State or federal income tax return
 - B) Illinois high school or college transcript
 - C) Illinois driver's license
 - D) Utility or rent bills in the applicant's (or parent's) name
 - E) Illinois auto registration card
 - F) Residential lease in the applicant's (or parent's) name
 - G) Wage and tax statements (IRS Form W-2)
 - H) Statement of benefits history from the Illinois Department of Public Aid
 - I) State of Illinois identification card issued by the Secretary of State
 - J) Statement of benefits from the Illinois Department of Employment Security
 - K) Statement of benefits from the Social Security Administration
 - L) Illinois voter's registration card
 - M) Property tax bill.
 - 4) If an applicant is a resident of Illinois, but the institution cannot document this fact in accordance with subsection (g)(2) above, the applicant or the institution may verify residency

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- through ISAC's appeal process. (See Section 2700.70.)
- h) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.
 - i) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USC 8506-6-A-1087kk et seq.), the institution shall retain documentation which demonstrates the appropriateness of such adjustment.
 - j) Prepaid tuition benefits payable to a qualified beneficiary under College Illinois! (23 Ill. Adm. Code 2775) shall not be considered in determining the eligibility of that beneficiary as an applicant for any ISAC gift assistance program.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2700.60 Audits and Investigations

- a) ISAC shall audit participating postsecondary institutions. Postsecondary institutions shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the institution is experiencing difficulty meeting the requirements of ISAC's rules or federal regulations, or discrepancies in past audits conducted by ISAC. Institutions with provisional eligibility shall be audited annually, schedule permitting. Secondary institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.
- b) ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED verification procedures.
- c) ISAC audits shall be conducted in accordance with generally accepted audit standards as promulgated by the U.S. General Accounting Office publication "Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.
- d) The institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the institution's chief executive officer. Audit

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findings may be appealed in accordance with Section 2700.70, Appeal Procedures.

e) If an audit identifies gift assistance funds which were claimed on behalf of ineligible students, the funds shall be repaid to ISAC by deducted-from-subsequent-payments-to the institution.

f) ISAC may visit institutions to conduct investigations related to fraud and abuse of its programs. Campus administrators and/or campus security police may be consulted as part of any ongoing investigation.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2700.70 Appeal Procedures

a) Complainants (including applicants, institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days after and including the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days after and including the date of an administrative decision, including administrative decisions rendered under subsections (d) and (e) of this Section below, the complainant forfeits all appeal rights.

b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issue(s) to be reviewed. Each complainant shall be sent a written response within 15 working days after and including the date of receipt of their appeal.

1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).

2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision(s) being appealed is consistent with statutes, rules and regulations relevant to the issue appealed.

c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50 (g)(4) (Illinois residence) and 23 Ill. Adm. Code 2760.40(a) (State Scholar designations), applicant appeals shall not be written or submitted by a lender or an institution. A lender or an institution may advise an applicant on appeal issues and opportunities.

d) The complainant shall submit an appeal directly to the appropriate ISAC manager. An appeal may be pursued through the appropriate sequence of ISAC's administrative levels culminating with an appeal to the Executive Director. (See 2 Ill. Adm. Code 5375.Appendix A, Organization Chart.)

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e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d) of this Section. A hearing shall be requested, in writing, within 60 days after the date of the Executive Director's appeal decision.

1) Within 30 days after the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.140, Hearings.

2) The independent hearing officer shall issue a decision based upon what transpired at the hearing, in accordance with and subject to 23 Ill. Adm. Code 2790.70, Decisions.

3) If necessary, the hearing officer's decision can be appealed to the Commission.

f) The hearing officer's disposition Commission dispositions, as provided for by 23 Ill. Adm. Code 2790.70(e), is are considered the final administrative decision decisions as defined by the Administrative Review Law [735 ILCS 5/Art. III]. The complainant shall be sent written notice of the final administrative decision within ten working days after the Commission's disposition of the appeal.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Higher Education License Plate (HELP) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2737
- 3) Section Number: Proposed Action:
 2737.10 New Section
 2737.20 New Section
 2737.30 New Section
 2737.40 New Section
- 4) Statutory Authority: Implementing Section 37 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/37 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: These proposed rules govern the administration of the new Higher Education License Plate (HELP) Grant Program. The rulemaking sets forth the applicant eligibility requirements, program procedures, and institutional procedures.

6) Will these proposed rules replace an emergency rule currently in effect?
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
 Deputy Program Officer
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, Illinois 60015
 (847) 948-8500

12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Rules begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2737

HIGHER EDUCATION LICENSE PLATE (HELP) GRANT PROGRAM

Section

2737.10 Summary and Purpose

2737.20 Applicant Eligibility

2737.30 Program Procedures

2737.40 Institutional Procedures

AUTHORITY: Implementing Section 37 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/37 and 20(f)].

SOURCE: Adopted at 23 Ill. Reg. _____, effective _____.

Section 2737.10 Summary and Purpose

a) The Secretary of State is authorized to issue special collegiate license plates on behalf of eligible, participating institutions of higher learning. A portion of the proceeds of such license plates sold by the Secretary is appropriated annually to ISAC for the purposes of administering a grant program for students attending degree-granting, not-for-profit private colleges and universities located in Illinois.

b) This Part establishes rules that govern the HELP Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2737.20 Applicant Eligibility

a) A qualified applicant shall be:

- 1) a citizen or eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) enrolled at a degree-granting, not-for-profit private college or university located in Illinois that participates in the collegiate license plate program through the Secretary of State; and
 - 4) able to demonstrate financial need according to a nationally recognized need analysis system.
- b) A recipient of assistance under this program who applies for a renewal award must, in addition to continuing to meet the criteria specified in subsection (a) of this Section, be maintaining satisfactory academic progress as determined by the institution.
- c) Eligibility is restricted to undergraduate students. Recipients must

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not have received a baccalaureate degree.

Section 2737.30 Program Procedures

- a) All applicants must complete and file the form that the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purposes of determining financial need.
- b) ISAC shall be notified in January of each year of all moneys deposited by the Secretary of State into the University Grant Fund, on behalf of each participating institution, from the issuance or renewal of collegiate license plates during the previous calendar year. The Secretary of State shall deposit \$25 per each set of license plates issued or renewed into the University Grant Fund on behalf of the institution.
- c) Each State fiscal year, all moneys deposited into the University Grant Fund shall be appropriated to ISAC to make reimbursements to participating private colleges and universities for grants made pursuant to this Part.
- d) A recipient may receive the equivalent of 10 semesters/15 quarters of full-time award payments.

Section 2737.40 Institutional Procedures

- a) Funds shall be remitted by ISAC annually to participating institutions on behalf of the recipients. At the beginning of each State fiscal year, ISAC shall notify each participating institution of the amount of funds available for that institution, and shall send a payment request form that must be signed and returned to ISAC.
- b) All grants shall be applicable only to tuition and mandatory fees for two semesters or three quarters in an academic year. Requests for summer assistance must be made separately and shall be considered on an individual basis by the institution.
- c) The institution shall determine the amount of each grant, which shall be the lesser of:
 - 1) \$2,000 for two semesters or three quarters of full-time undergraduate enrollment or \$1,000 for two semesters or three quarters of half-time undergraduate enrollment; or
 - 2) the amount of tuition and mandatory fees applicable to two semesters or three quarters of full-time or half-time undergraduate enrollment; or
 - 3) the amount of the applicant's calculated financial need; or
 - 4) the remaining funds available.
- d) The institution shall award the full amount of funds disbursed to it in the academic year in which it is remitted.
- e) The institution shall notify applicants that grant assistance is contingent upon the availability of funds appropriated for this program.

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NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Illinois Veteran Grant (IVG) Program

2) Code Citation: 23 Ill. Adm. Code 2733

3) Section Numbers: Proposed Action:
2733.20 Amendment

4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Section 2733.20, Applicant Eligibility, has been amended to incorporate statutory changes contained in Public Act 90-752. Previously, eligibility for benefits under this program had been extended to individuals having served for less than one year of active duty who had served in specific military actions in specific countries. This required the statute, and ISAC's rules, to be amended from time to time to list additional specific military campaigns for which IVG eligibility was conferred. The statutory language has now been modified to provide a more general description of the conditions required to gain eligibility with less than one year of active duty service, i.e., serving in a foreign country in a time of hostilities in that country. Furthermore, the meaning of the term "time of hostilities in a foreign country" is specified in the statute and is incorporated into this Section of the rules. As a result, as future military actions occur, IVG eligibility may be extended to veterans of these campaigns without the necessity of naming them specifically in statute and rules.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

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10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section	Summary and Purpose
2733.10	Applicant Eligibility
2733.20	Program Procedures
2733.30	Institutional Procedures
2733.40	

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11139, effective July 19, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 2733.20 Applicant Eligibility

- a) A qualified applicant shall be any member of the Armed Forces of the United States who has served at least one year of active duty and whose separation from such service has been characterized as honorable provided s/he:

- 1) was a:
 - A) resident of Illinois at the time of entering service and after leaving the service returned to Illinois within 6 months; or
 - B) student at an Illinois public university or community college at the time of entering the service; and
- 2) established or plans to establish Illinois residency within 6

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months after separation from the Armed Forces, or if married to a person in continued military service:

- A) applied for this grant within 6 months after and including the date the spouse was stationed within Illinois; or
 - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) Any member of the Armed Forces of the United States who has served at least one year of active duty and who meets the Illinois residency requirements of this Section (i.e., subsections (a) and (b)), above, is a qualified applicant if his/her separation from such service was characterized as honorable. Upon discharge from the Armed Forces, the veteran shall be subject to verification of continued eligibility for assistance under this Part.
- d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- e) An individual is not a qualified applicant if the individual's separation from the Armed Forces of the United States was characterized as other than honorable.
- f) An individual is not a qualified applicant if the individual's active duty with the Armed Forces was for less than one year unless:
- 1) the veteran's separation from such service for medical reasons directly connected with such service was characterized as honorable; or
 - 2) the veteran's separation prior to August 11, 1967 was characterized as honorable; or
 - 3) the veteran's separation from such service, which included service in a foreign country in a time of hostilities in that country ~~part of which included deployment to the Persian-Gulf during the Persian-Gulf War or duty in Somalia during military operations to aid that country~~, was characterized as honorable.
- As used in this Section, "time of hostilities in a foreign country" means any action by the armed forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
- g) Members of the Reserve Officer Training Corps (ROTC) and a state's National Guard are not eligible for assistance under this Part.
- h) Applicants are not eligible if their only service has been attendance at a service academy.
- i) In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.
- 1) An applicant should submit a copy of his or her Certificate of Release or Discharge From Active Duty (Form DD 214) or Discharge

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Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.

2) If the applicant does not have a copy of the DD 214, s/he should submit documentation which provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans' Administration.

3) If the applicant is a member of the Armed Forces at the time of application, s/he shall submit a copy of the original and/or current Enlistment Contract (Form DD4/194/3) and a letter from the commanding officer. If the veteran is in an initial enlistment, a copy of the original contract must be provided. If the veteran is on an enlistment extension, a copy of the current contract must be provided with the application as well as copies of all extension contracts. The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.

4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, s/he may verify residency by providing one or more of the documents listed below:

- A) Illinois driver's license issued during the relevant six month period;
- B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
- C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
- D) Illinois motor vehicle registration issued during the relevant six month period;
- E) Residential lease in the applicant's name for the relevant six month period;
- F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;
- G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
- H) State of Illinois identification card issued during the relevant six month period; or
- I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

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(Source: Amended at 23 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Limitation, Suspension And Termination (L,S&T) Proceedings
- 2) Code Citation: 23 Ill. Adm. Code 2790
- 3) Section Numbers:
2790.20 Proposed Action:
2790.70 Amendment
2790.70 Amendment
- 4) Statutory Authority: Implementing and authorized by the Higher Education Student Assistance Act [110 ILCS 947/20(f)] and the Higher Education Act of 1965, as amended (20 USCA 1070 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Two definitions, "Administrative Error" and "Admonishment", have been deleted, since, as a result of amendments made in previous years, neither term is used in the rules anymore. Also, in Section 2790.70, Decisions, text has been deleted which references any appeals to the Commission of the decision of a hearing officer. As a result of amendments being proposed to Section 2700.70, Appeal Procedures, the decision of the hearing officer will now be considered final.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this

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proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
847/948-8500

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the following page:

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~~refund, overbilling of interest subsidy and special allowances, due diligence violations in making disbursing, and servicing loans or conduct resulting in obtaining scholarship and/or grant funds for which the institution or applicant is not entitled.~~

~~"Admonishment" - A written reprimand which warns the institution or applicant that a repeat of the same offense will be subject to a penalty of greater severity. Admonishments shall be a matter of public record and may be imposed in lieu of a more severe sanction.~~

~~"Funds" - Any money, commitments to provide money, and commitments of insurance or reinsurance provided under any or all programs.~~

~~"Hearing Officer" - An impartial person, appointed by the Executive Director of ISAC, or his or her designee, with no prior involvement with the facts giving rise to the limitation, suspension or termination action, who is:~~

~~an attorney who has been admitted to practice law in Illinois for at least five years preceding appointment by the Executive Director and possesses those additional qualifications as are necessary to obtain appointment as an arbitrator pursuant to Section 2-1003A of the Mandatory Arbitration System in Illinois [735 ILCS 5/2-1003A]; or~~

~~a person who is an arbitrator qualified by the American Arbitration Association; or~~

~~any other person who meets the qualifications for the position of Administrative Law Judge for the Federal Government.~~

~~"Institution" - For purposes of this Part, any educational or lending institution which participates in any ISAC program(s).~~

~~"ISAC Official" - Any official of ISAC to whom the Executive Director has delegated the responsibility of initiating and pursuing an action under this Part.~~

~~"Lender" - Defined by Section 435(d) of the Higher Education Act of 1965, as amended (20 USCA 1085(d)).~~

~~"Limitation" - The continuation of an applicant's or an institution's eligibility for any or all programs subject to compliance with special conditions or restrictions which have been established by ISAC as necessary for the institutions initial or continued participation in ISAC programs.~~

~~"School" - An institution eligible to participate in the programs~~

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2790
LIMITATION, SUSPENSION AND TERMINATION (L,S&T) PROCEEDINGS

Section	Summary and Purpose
2790.10	Definitions
2790.20	Informal Compliance Procedures and Pre-Hearing Conferences
2790.30	Emergency Action
2790.40	Suspension Proceedings
2790.50	Limitation or Termination Proceeding
2790.60	Decisions
2790.70	Verification of Mailing and Receipt Dates
2790.80	Limitation
2790.90	Termination
2790.100	Payment Period
2790.110	Reimbursements, Refunds, Offsets and Penalties
2790.120	Reinstatement After Termination
2790.130	Hearings
2790.140	Matrix (Repealed)

APPENDIX A

AUTHORITY: Implementing and authorized by the Higher Education Student Assistance Act [110 ILCS 947/20(f)] and the Higher Education Act of 1965, as amended (20 USCA 1070 et seq.).

SOURCE: Adopted at 6 Ill. Reg. 11638, effective September 13, 1982; codified at 7 Ill. Reg. 9926; amended at 9 Ill. Reg. 20836, effective January 1, 1986; amended at 11 Ill. Reg. 3214, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1790 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2790 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17861; amended at 15 Ill. Reg. 14264, effective September 23, 1991; amended at 16 Ill. Reg. 11269, effective July 1, 1992; amended at 20 Ill. Reg. 9206, effective July 1, 1996; amended at 21 Ill. Reg. 11148, effective July 18, 1997; amended at 22 Ill. Reg. 11123, effective July 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 2790.20 Definitions

"Action" - An administrative proceeding conducted under this Part.

~~"Administrative Error" - Conduct resulting in the loss of a loan guarantee, creating a financial liability, or resulting in a refund due ISAC or EBY, including but not limited to overbilling interest, failing to cancel loans on a timely basis, failing to make timely~~

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established by the Higher Education Act of 1965, as amended, including an institution of higher education (as defined in 34 CFR 600.4), a proprietary institution of higher education (as defined in 34 CFR 600.5), and a postsecondary vocational institution (as defined in 34 CFR 600.6).

"Suspension" - The removal of an applicant's or an institution's eligibility for any or all ISAC programs for a specified period of time or until the problem that initiated the limitation, suspension or termination proceeding(s) is resolved.

"Termination" - The unqualified removal of an applicant's or an institution's eligibility for any or all programs for an indefinite period of time, but in no event less than 18 months.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2790.70 Decisions

- a) The hearing officer issues a decision based on findings of fact and conclusions of law. Findings of fact shall be based only on evidence considered at the hearing and matters of which official notice has been taken. A recommended decision must be issued no later than 30 days after the conclusion of the hearing.
- b) The hearing officer's decision will be promptly mailed to all parties.
- c) The hearing officer's decision is final, may be appealed to the Commission by filing exceptions to the decision and a brief in support of those exceptions no later than 20 days after the receipt of the decision. The opposing party shall have 20 days from the receipt of the exceptions and supporting brief to file a response. If no timely exceptions are filed, the party will be deemed to have waived any exceptions and the hearing officer's decision shall be implemented.
 - 1) All exceptions, briefs and reply briefs shall be filed with the Executive Director.
 - 2) Each exception shall set forth specifically the questions of procedure, fact, law or policy to which exceptions are taken and shall identify that part of the hearing officer's decision to which objection is made. The supporting brief shall designate by precise citation of pages, the portions of the record relied upon and shall state the grounds for the exceptions and a citation of authorities.
 - 3) The Executive Director shall submit to the Commission the hearing officer's decision, exceptions and briefs.
- d) The decision of the hearing officer does not take effect while an appeal is pending, unless the Commission determines that a stay would produce a serious and adverse effect upon the programs involved.
- e) In the case of an appeal, the Commission issues a final administrative

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decision affirming, modifying or reversing the hearing officer's decision, including a statement of reasons for the decision.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Merit Recognition Scholarship (MRS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3) Section Numbers: Proposed Action:
2761.10 Amendment
2761.20 Amendment
2761.30 Amendment
- 4) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A number of amendments have been proposed to incorporate statutory changes contained in Public Act 90-728, which expanded eligibility for MRS benefits to students enrolled at high schools not recognized by the State Board of Education. As a result, several references to "approved high schools" throughout this Part have been amended to "participating high schools" to reflect this change. In Section 2761.20, Applicant Eligibility, the eligibility criteria for qualified applicants have been divided into two separate subsections. For students attending an approved Illinois high school, the criteria remain the same as they have been, based primarily on cumulative high school grade point average. For students not attending an approved high school, the statute now provides for an alternate method of qualifying for consideration for MRS benefits, based solely on standardized test scores.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the following page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761

MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section	
2761.10	Summary and Purpose
2761.20	Applicant Eligibility
2761.30	Program Procedures
2761.40	Institutional Procedures

AUTHORITY: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 16 Ill. Reg. 11290, effective July 1, 1992; amended at 17 Ill. Reg. 10579, effective July 1, 1993; amended at 18 Ill. Reg. 10318, effective July 1, 1994; amended at 20 Ill. Reg. 9215, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11166, effective July 18, 1997; amended at 22 Ill. Reg. 11135, effective July 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 2761.10 Summary and Purpose

- a) The Merit Recognition Scholarship (MRS) Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a \$1000 award which must be used for enrollment at an ~~approved-illinois~~ postsecondary institution of higher learning or any service academy.
- b) This Part establishes rules which govern the MRS Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2761.20 Applicant Eligibility

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- a) A qualified applicant attending an ~~shall-be: i)-a-student-at-any~~ approved high school located in Illinois shall be;
- 12) 80% complete with the high school's program of instruction;
- 23) at or above the 95th percentile of his or her high school class after having earned a seventh semester cumulative high school grade point average;
- 34) a person of good moral character;
- 45) a resident of Illinois;
- 56) a United States citizen or permanent resident of the United States; and
- 67) enrolled or accepted for enrollment, on at least a half-time basis, at an institution of higher learning or service academy as an undergraduate student or cadet.
- b) A qualified applicant attending a high school located in Illinois other than an approved high school shall be:
- 1) 80% complete with the high school's program of instruction and in attendance at the end of the seventh semester;
- 2) a student whose Illinois Standard Test Score is at least seven points above the statewide average test score as determined annually by the Illinois State Board of Education for tests taken during the time frame designated for the State Scholar Program (see 23 Ill. Adm. Code 2760.20(b));
- 3) a person of good moral character;
- 4) a resident of Illinois;
- 5) a United States citizen or permanent resident of the United States; and
- 6) enrolled or accepted for enrollment, on at least a half-time basis, at an institution of higher learning or service academy as an undergraduate student or cadet.
- cb) A qualified applicant shall not have already received a baccalaureate degree.
- de) For the purposes of this Section, seventh semester means the period of instruction when a student has completed 80% of the ~~approved~~ high school's program of instruction. The seventh semester usually will be the student's next to last term.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2761.30 Program Procedures

- a) In February of every year, participating ~~approved~~ high schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are qualified applicants.
- 1) The certification of names shall be submitted on forms provided by ISAC. Certifications submitted by participating ~~approved~~ high schools shall be subject to audit by ISAC.
- 2) ISAC shall then promptly notify those qualified applicants who

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- are reasonably assured of receiving MRS awards in accordance with annual funding levels recommended in the Governor's Budget.
- b) Qualified applicants shall be sent an MRS application which must be completed by the student and the postsecondary institution attended by the applicant. A complete application must be received by ISAC within one year after and including the date of high school graduation but absolutely no later than June 15th of the academic year immediately following graduation from the approved Illinois high school. Should the recipient transfer to a different institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.
 - c) ISAC shall disburse scholarship funds in two installments **increments** based on the terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer term.
 - d) Funds shall be remitted to institutions on behalf of the recipients.
 - e) Scholarship funds are applicable to two semesters or three quarter terms and must be used for educational expenses, including, but not limited to, tuition and fees, room and board, books and supplies, required service academy uniforms, and travel and personal expenses related to the recipient's enrollment.
 - f) Should the recipient withdraw from enrollment during the first term financed by the scholarship, the recipient shall return to ISAC the full amount of the award.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section Numbers: Proposed Action:
2735.30 Amendment
2735.40 Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2735.30, Program Procedures, a number of changes have been made to language describing the priority consideration dates and priority processing guidelines. First, the new defined term of "FAFSA receipt date" has been incorporated in order to clarify that applications must be physically received, not postmarked, on or before the indicated dates. Second, dates have been re-stated to reference the last acceptable date by which the application must be received, as opposed to the date before which the application must be received. And finally, the date by which applications must be received from continuing students in order for them to be considered for full year MAP awards has been extended to June 30. While previously the Commission has been able to extend to this date on an ad hoc basis, it would like to make this change permanent in order to provide students and families with more certain information earlier in order to facilitate their college planning decisions. In both Sections 2735.30 and 2735.40, the term "tuition and mandatory fee" has been inserted in order to clarify that the use of MAP funds is restricted to these particular costs. In Section 2735.40 (d), benefits through the Illinois Prepaid Tuition Program, College Illinois, are specifically excluded from the customary treatment of prepaid tuition benefits, as required by the Illinois Prepaid Tuition Act (Public Act 90-546).

- 6) Will these proposed amendments replace an emergency rule currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section	Summary and Purpose
2735.10	Applicant Eligibility
2735.20	Program Procedures
2735.30	Institutional Procedures
2735.40	Advance Payment Option
2735.50	Contractual Agreement Requirements (Repealed)
2735.60	Advance Payment Formula

APPENDIX A

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 2735.30 Program Procedures

- a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 8-6-A- 1070a).)
- b) Applicants, spouses and the parents of applicants are required to submit financial information on the application which will be kept confidential, regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans'.

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or Social Security benefits).

- c) Priority Consideration Dates
In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than June 30 immediately prior to the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 immediately prior to the regular school year for which the application is being made.

Regular--school--year--applications--must--be--received--before--June--1--
immediately--preceding--the--regular--school--year--for--which--the--
application--is--being--made--from--students--who--had--applied--for--a--MAP--
grant--for--the--previous--regular--school--year--in--order--to--receive--
priority--consideration--for--a--full--year--award--Regular--school--year--
applications--must--be--received--before--October--1--from--students--who--had--
not--applied--for--a--MAP--grant--the--previous--regular--school--year--in--order--
to--receive--priority--consideration--for--a--full--year--award.

d) Priority Processing Guidelines

- 1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:

A) For applications with a FAFSA receipt date of no later than June 30 prior to June 1 preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;

B) For applications with a FAFSA receipt date of July 1 or later, but not later than September 30 from June 1 until October 1, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;

C) For applications with a FAFSA receipt date of October 1 or later, on or after October 1, and until the date of final suspension of award announcements for that regular school year, students who had not applied for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only; while students who did apply for a MAP award the previous regular school year will not be considered for a MAP award at all.

- 2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for

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a MAP award the previous regular school year and to students who did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.

- 3) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.

4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.

- e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of July 1 or later missed the June 1 priority date and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.

f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.

- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.

h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.

- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.

j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:

- 1) maximum award specified at 110 ILCS 947/35(c); or
- 2) institution's tuition and mandatory fee charges on file with ISAC.

k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. The recipient is advised to contact the in-district community college and/or local high school regarding application procedures and deadline dates.

- l) Public community college award recipients shall be eligible for

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- payment up to 19 hours (9.5 hours for half-time).
- m) A recipient may receive the equivalent of 10 semesters/15 quarters of full-time MAP grant payment (see 23 Ill. Adm. Code 2700.40(h)). Eligibility may be extended for one additional term if the recipient has accumulated fewer than 60 eligibility units but does not have enough units remaining for the number of hours that s/he is enrolled in for the term.
- n) Seniors in their last term of enrollment prior to receiving a baccalaureate degree and applicants enrolled in student teaching are classified as full-time students for purposes of MAP grant eligibility.
- o) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, noncredit course offerings (except qualifying remedial courses), clock hour programs or correspondence courses. Such course work cannot be used to meet the half-time or full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses shall be eligible for MAP payment.
- q) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- r) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See 23 Ill. Adm. Code 2700.40(h).)
- s) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.
- t) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.
- u) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with subsection (j) and the following provisions:
- 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the

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- student's institution of record.
- 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
 - 3) The recipient must be enrolled full-time.
 - 4) An institution shall not request more than two semesters/three quarters of MAP assistance for any one qualified applicant.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
 - 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment(s) to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
 - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the

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cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward.

- g) Institutions of higher learning shall submit payment requests to ISAC. When submitting payment requests, the institution shall certify that the qualified applicant meets the requirements of Section 2735.20, Applicant Eligibility.

- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
- 1) The recipient must indicate his/her institution of record on the MAP application.

- 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institution(s) and the institution of record shall distribute the appropriate share of the award to the other institution(s). Payment by ISAC will not be made to more than one institution.

- 3) The amount paid cannot exceed the maximum term award for full-time or half-time students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.

- 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.

- 5) The recipient's academic record(s) at the institution of record must document the total number of credit hours for which the student is enrolled.

- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).

- j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.

- k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.

- l) MAP grants are divided into two semester or three quarter regular term payments and are paid directly to the approved institution of record which certifies to ISAC that the applicant is an eligible recipient.

- 1) ISAC will annually establish priority claim dates for the return of payment request lists and inform schools of the required priority dates.

- 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.

- 3) Under no circumstances are institutions to submit their payment requests until after the second week of classes for the term for

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which they are requesting payment.

- m) Institutional Processing of Payments

- 1) Within 30 days after and including the date of receiving any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.

- 2) Institutions are required to reconcile payments received through MAP. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.

- 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

- 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.

- 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

- 6) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part Tariff Filings2) Code Citation: 83 Ill. Adm. Code 7453) Section Numbers: Adopted Action:

745.10 Amendment
 745.15 Amendment
 745.40 New Section
 745.200 Amendment
 745.210 Repealed
 745.220 Repealed
 745.221 Amendment
 745.225 Repealed
 745.Exhibit A Repealed
 745.Exhibit B Amendment

4) Statutory Authority: Implementing Sections 13-501, 13-502, and 13-504 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-504, and 10-101].5) Effective Date of Amendments: February 1, 19996) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: June 26, 1998, at 22 Ill. Reg. 1095110) Has JCAR issued a Statement of Objections to these amendments? No11) Differences between proposal and final version: None12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required13) Will these amendments replace emergency amendments currently in effect?
No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendments: These amendments will update citations to reference the Public Utilities Act as modified by P.A. 90-185; add language to eliminate any confusion regarding the proper classification of

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services; add language to allow carriers to make changes in tariffs to correct minor errors; delete references to repealed provisions of the PUA; and add language to specify notice requirements for increasing the rates of competitive services.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
 Office of General Counsel
 Illinois Commerce Commission
 527 East Capitol Avenue
 P.O. Box 19280
 Springfield IL 62794-9280
 (217)785-3922

The full text of the Adopted Amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 745

TARIFF FILINGS

SUBPART A: GENERAL PROVISIONS

Section

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Applicability

Definitions Definition

General Filing Requirements

Classification of Tariffs

Temporary Corrections

SUBPART B: NONCOMPETITIVE TARIFFS

Section

745.100

745.110

Filing Requirements for Noncompetitive Tariffs

Simplified Noncompetitive Tariff Filings under Section 13-504

SUBPART C: COMPETITIVE TARIFFS

Section

745.200

745.210

745.220

745.221

745.225

Filing Requirements for Competitive Tariffs Generally

Additional Provisions Concerning Tariffs Filed Under Section 13-502(e) (Repealed)

Post-filing Proceedings Under Section 13-502(e) (Repealed)

Rate Changes for Competitive Services

Interim Orders (Repealed)

SUBPART D: RECLASSIFICATION OF SERVICES

Section

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Reclassification

Notice of Competitive Tariff Filing Under Section 13-502(e) (Repealed)

Notice of Simplified Noncompetitive Tariff Filing Under Section 13-504

AUTHORITY: Implementing Sections 13-501, 13-502 and 13-504 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-504 and 10-101].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 765, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 10515, effective May

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30, 1986; amended at 11 Ill. Reg. 8988, effective May 1, 1987; amended at 17 Ill. Reg. 10258, effective July 1, 1993; amended at 23 Ill. Reg. 1597, effective FEB 1 1999.

SUBPART A: GENERAL PROVISIONS

Section 745.10 Applicability

This Part applies to all telecommunications carriers subject to regulation by the Illinois Commerce Commission ("Commission") under the provisions of Article XIII of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111-2/37, pars. 13-101 through 13-901; see P.A. 87-0567, effective May 14, 1992) [220 ILCS 5/Art. XIII 13].

(Source: Amended at 23 Ill. Reg. 1597, effective FEB 1 1999)

Section 745.15 Definitions Definition

"Act" means the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111-2/37, pars. 13-101 et seq. as amended by P.A. 87-0567, effective May 14, 1992) [220 ILCS 5]

"Competitive telecommunications service" means the same as the Definition in Section 13-209 of the Act [220 ILCS 5/13-209].

(Source: Amended at 23 Ill. Reg. 1597, effective FEB 1 1999)

Section 745.40 Temporary Corrections

a) If, upon the presentation of tariffs for filing, an error is discovered either by the filing telecommunications carrier or the Staff of the Commission, the filing carrier may either temporarily correct or authorize Commission Staff to correct the following types of errors:

- 1) incorrect sheet revision numbers;
- 2) incorrect issue and/or effective dates; or
- 3) coding errors.

b) These temporary corrections shall necessitate the filing carrier to submit corrected pages either by hand or by overnight mail delivery.

(Source: Added at 23 Ill. Reg. 1597, effective FEB 1 1999)

SUBPART C: COMPETITIVE TARIFFS

Section 745.200 Filing Requirements for Competitive Tariffs Generally

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- a) In addition to the requirements imposed by Subpart A of this Part, telecommunications carriers shall, with respect to tariffs filed pursuant to Section 13-502 of the Act under which competitive telecommunications services are to be offered or provided, comply with the requirements imposed on public utilities by 83 Ill. Adm. Code 255.30 (except subsections (i) and (j)) and 7 with the remainder of this Section, and with Sections 745-210 when the filing is made under Section 13-502(e) of the Act.
- b) All tariffs classifying a service as competitive shall clearly state that whether they are being filed pursuant to Section 13-502(b) or Section 13-502(e) of the Act.
- c) All such tariffs shall be accompanied by a verified statement (see 83 Ill. Adm. Code 200.130) that which:
- 1) specifically alleges that, for some identifiable class or group of customers in an exchange, group of exchanges, or some other clearly defined geographical area, such service, or its functional equivalent, or a substitute service, is reasonably available from more than one provider, whether or not any such provider is a telecommunications carrier subject to regulation under the Act;
 - 2) specifically identifies, through the use of descriptions, maps, or equivalent means, the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area for which the classification is made;
 - 3) specifically describes the service, its functional equivalent, or the substitute service for which classification is being made; and
 - 4) specifies:
 - A) one or more entities that provide the same service, its functional equivalent, or a substitute service, and
 - B) the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area to whom such service is offered by such entity or entities.
- d) If a telecommunications carrier which files a tariff classifying a service as competitive or reclassifying a previously noncompetitive telecommunications service as competitive also offers or provides noncompetitive telecommunications service, it shall file a study of the long-run service incremental cost for the service being classified as competitive at the time the tariff is filed (Section 13-502 of the Act).
- e) Tariffs filed pursuant to Section 13-502(b) of the Act take effect immediately upon filing, and proposed tariffs filed pursuant to Section 13-502(e) of the Act take effect as provided in that Section and in Section 745-220 of this Part.

(Source: Amended at 23 Ill. Reg. 1597, effective

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Section 745-210 Additional Provisions Concerning Tariffs Filed Under Section 13-502(e) (Repealed)

All telecommunications carriers filing proposed tariffs classifying a service as competitive under Section 13-502(e) of the Act shall comply with the requirements set forth in the remainder of this Section, in addition to those requirements stated in Section 745-200.

- a) An application shall be filed with the Commission for an order finding that the proposed tariff is proper and consistent with law. This application must accompany the proposed tariff and the statement required by Section 745-200(d) (Section 13-502 of the Act).

b) Notice

- 1) Any telecommunications carrier applying for Commission approval of a proposed tariff under Section 13-502(e) shall provide timely and effective notice of its application and proposed tariff to potentially affected providers and customers publishing in the official State newspaper and in some secular newspaper (that has been regularly published for at least 6 months prior to the publication of such notice) in general circulation in the exchange, group of exchanges or other geographical area to be served under the proposed geographical area to be served under the proposed tariff, a notice containing the information specified in the form of Exhibit A of this Part, not more than 21 days before the proposed tariff is filed.

- 2) Certificates of the publication required by subsection (b)(1) above shall accompany the proposed tariff when filed. Lists of the names and addresses of newspapers of general circulation in the State are available from the Chief Clerk of the Commission at 537-B Capitol Springfield, Illinois 62706.

(Source: Repealed at 23 Ill. Reg. 1597, effective

Section 745-220 Post-filing Proceedings Under Section 13-502(e) (Repealed)

- a) The Commission shall enter into hearings on a proposed tariff if any potentially affected provider or customer requests a hearing under Section 13-502(e) of the Act by filing a request for such a hearing not later than 10 days after the proposed tariff is filed.
- b) The Commission enters into hearings upon the application, it shall enter a final order within 180 days of such application, and, if the commission fails to enter an order within such period, the application shall be deemed granted, unless, however, the commission, the applicant and all parties to the hearing agree to extend such time period (Section 13-502 of the Act).
- c) The Commission shall enter into hearings on its own motion concerning any proposed or effective tariff when the Commission finds that it cannot make a determination based on the allegations contained in the

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verified-statement-required-by-Section-745-200(c)

(Source: Repealed at 23 Ill. Reg. 1597 = 3, effective FEB 1 1990)

Section 745.221 Rate Changes for Competitive Services

- a) Requirements for proposed changes in rates for competitive services are found in Section 13-505 of the Act.
- b) Prior notice of an increase shall be given to all potentially affected customers by mail, publication in a newspaper of general circulation, or equivalent means of notice (Section 13-505(b) of the Act).

(Source: Amended at 23 Ill. Reg. 1597 = 3, effective FEB 1 1990)

Section 745.225 Interim Orders (Repealed)

the-Commission-shall-issue-an-interim-order-if-the-Commission-finds-that-an-interim-order-will-advance-the-legislative-policy-enumerated-in-Section-13-103 of-the-Act.---Any-conditions-imposed-will-be-those-needed-to-carry-out-the policy-of-Section-13-103-of-the-Act-under-the-circumstances-of-the-particular case.

(Source: Repealed at 23 Ill. Reg. 1597 = 3, effective FEB 1 1990)

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Section 745.EXHIBIT A Notice of Competitive Tariff Filing Under Section 13-502(e) (Repealed)

Notice-is-hereby-given-that-----{Applicant's-Name}-----will-file-with the-Illinois-Commerce-Commission-an-application-to-offer-----{type-of service}-----M-----telecommunications-service-on-a-competitive-basis-under Sections-13-502(c)-of-the-Public-Utilities-Act;---This-application-will-be-filed within-twenty-one-(21)-days.

Requests-for-hearing-must-be-made-in--accordance-with--the--provisions--of Section-13-502(c)-of-the-Public-Utilities-Act-and-03-Ill.-Adm.-Code-745-220.

Additional-information-concerning-this-filing-may-be-obtained-from-the Chief-Clerk,--Illinois--Commerce--Commission,---527---East---Capitol---Avenue, Springfield,--Illinois--62706--or--from

=====7 ===== {Applicant} {Address}

(Source: Repealed at 23 Ill. Reg. 1597 = 3, effective FEB 1 1990)

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Section 745.EXHIBIT B Notice of Simplified Noncompetitive Tariff Filing under
Section 13-504

(Date)

To the customers of _____:
(Company)

The _____ (Company) hereby gives notice that on _____ (Date) it will file a proposed tariff that makes a change in its rates, charges, or classifications resulting in a change in rates or charges for local exchange telecommunications service pursuant to Section 13-504 of the Public Utilities Act.

- (1) (State whether the change is in rates, charges, classification, rule or regulation.)
- (2) (Give present and proposed rates so consumer can determine the effect on his or her bill.)
- (3) (Give area or exchange that is affected by tariff filing.)

This proposed tariff will become effective 30 days after it is filed with the Illinois Commerce Commission. The Commission must investigate whether the proposed change is just and reasonable if a telecommunications carrier that is a customer of the local exchange telecommunications carrier or 10 the lesser of 5 percent or 75 of the potentially affected subscribers of the company file a petition or complaint with the Chief Clerk of the Commission requesting an investigation.

Additional information concerning this filing may be obtained from _____ (Company), _____ (Address) at _____ (Telephone No.) _____, or from the Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois, 62794-9280, (217)782-7434.

(Signature)

(Source: Amended at 23 Ill. Reg. 1597-24 effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Adopted Action:
113.309 Repeal

4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

5) Effective Date of Amendments: January 20, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 11, 1998 (22 Ill. Reg. 16131)

10) Has JCAR Issued a Statement of Objections to this Rule? No

11) Difference(s) between proposal and final version: No changes were made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace an emergency amendments currently in effect?
Yes

14) Are there any amendments pending on this Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
113.1	Amendment	22 Ill. Reg. 21226
113.107	Amendment	22 Ill. Reg. 15872
113.111	Amendment	22 Ill. Reg. 15872
113.141	Amendment	23 Ill. Reg. 37
113.157	Amendment	22 Ill. Reg. 11266
113.158	New Section	22 Ill. Reg. 11266

15) Summary and Purpose of Rule: A United States District Court has found 305 ILCS 5/11-30 unconstitutional, *Hicks v. Peters*, 98 C 3247. This provision limited new residents to Illinois to the benefit levels of their previous

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state for 12 months if the previous state's benefit level was lower than Illinois' benefit level for the comparable program. This rulemaking repeals the Section of the Department's rules which implemented 305 ILCS 5/11-30.

Companion amendments are also adopted in 89 Ill. Adm. Code 112 and 114.

16) Information and answers to questions regarding this adopted amendment shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

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Section	Description of the Assistance Program Incorporation By Reference
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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	Client Cooperation Citizenship
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EMERGENCY

Section	Residence Age Blind Disabled Living Arrangement Institutional Status Social Security Number
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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	Unearned Income Budgeting Unearned Income Application And/Or Date of Decision Initial Receipt of Unearned Income Termination of Unearned Income Unearned Income In-Kind Earmarked Income Lump Sum Payments and Income Tax Refunds Protected Income (Repealed) Earned Income (Repealed) Budgeting Earned Income (Repealed) Protected Income Earned Income Exempt Unearned Income Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
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Initial Employment

Section	Budgeting Earned Income For Contractual Employees Budgeting Earned Income For Non-contractual School Employees Termination of Employment Exempt Earned Income Recognized Employment Expenses Income From Work/Study/Training Programs Earned Income From Self-Employment Earned Income From Roomer and Boarder Earned Income From Rental Property Earned Income In-Kind Payments from the Illinois Department of Children and Family Services Assets Exempt Assets Asset Disregard Deferral of Consideration of Assets Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed) Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed) Court Ordered Child Support Payments of Parent/Step-Parent Sponsors of Aliens Assignment of Medical Support Rights
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SUBPART D: PAYMENT AMOUNTS

Section	Payment Levels for AABD Personal Allowance Personal Allowance Amounts Shelter Utilities and Heating Fuel Laundry Telephone Transportation, Lunches, Special Fees Allowances for Increase in SSI Benefits Nursing Care or Personal Care in Home Not Subject to Licensing Sheltered Care in a Licensed Group Care Facility Shopping Allowance Special Allowances for Blind and Partially Sighted (Blind Only) Home Delivered Meals AABD Fuel and Utility Allowances By Area Sheltered Care Rates Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities Meeting the Needs of an Ineligible Dependent with Client's Income
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SUBPART E: OTHER PROVISIONS

Persons Who May Be Included In the Assistance Unit

- 113.300 Grandfathered Cases
- 113.301 Interim Assistance (Repealed)
- 113.302 Special Needs Authorizations
- 113.303 Retrospective Budgeting
- 113.304 Budgeting Schedule
- 113.305 Purchase and Repair of Household Furniture (Repealed)
- 113.306 Property Repairs and Maintenance
- 113.307 Excess Shelter Allowance
- 113.308 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
- 113.309

EMERGENCY

- 113.320 Redetermination of Eligibility
- 113.330 Attorney's Fees for VA Appellants (Repealed)
- 113.330

SUBPART F: INTERIM ASSISTANCE

Section

- 113.400 Description of the Interim Assistance Program
- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)
- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415,

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effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being

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codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15996, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June

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15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective JAN 20 1999.

Section 113.309 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)

If an applicant has moved to Illinois from another state and received financial assistance in that state under a program that is equivalent to the AABD-State Supplemental-Payment program during any of the twelve months immediately preceding the date the applicant's current Illinois residency began, during the first twelve months that the applicant resides in Illinois the applicant is eligible to receive assistance in an amount no greater than the amount of comparable assistance received from the other state.

(Source: Repealed at 23 Ill. Reg. 1607, effective JAN 20 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers: Adopted Action:
679.50 Amended

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Amendment: 1/20/99

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 4, 1998, 22 Ill. Reg. 15899

10) Has JCAR Issued a Statement of Objections to this Amendment? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: The purpose of this Amendment is to increase the SCM of the Home Services Program by 4.9%. This increase is needed to bring the current rules in line with the rate increase recently approved by the Legislature and signed by Governor Edgar. The SCM is the maximum amount that can be spent for services through HSP for an individual who chooses HSP services over institutionalization.

16) Information and answers to questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of Adopted Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 679
 DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

Section	General Provisions
679.10	Composition of the DON
679.20	Scoring of the DON Except for Respite Cases
679.30	Scoring the DON for Respite Cases
679.40	Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. 16031, effective August 14, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 1615, effective

JAN 20 1999

Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount is directly corresponds ~~correspond~~ to the amount the State would expect to pay for the nursing care component of institutionalization if the individual chose institutionalization.

- b) The SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 809 711
33 through 40	930 887
41 through 49	1,034 986
50 through 59	1,238 1780
60 through 69	1,455 17387
70 through 79	1,574 17500
80 through 100	1,692 17619

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- c) The SCMs for individuals served under the AIDS Medicaid Waiver are:

Total DON Score	SCM
29 through 32	1,042 999
33 through 40	1,562 17489
41 through 49	2,083 17986
50 through 59	2,604 17482
60 through 69	3,125 17979
70 through 79	3,645 17475
80 through 100	4,167 17972

- d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.

- e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

(Source: Amended at 23 Ill. Reg. 1615, effective JAN 20 1999)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Numbers: Adopted Action:
114.406 Repeal
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].
- 5) Effective Date of Amendments: January 20, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 11, 1998 (22 Ill. Reg. 16133)
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: No changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
Yes
- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
114.223	Amendment	22 Ill. Reg. 15901
114.224	Amendment	22 Ill. Reg. 15901
114.408	Amendment	22 Ill. Reg. 11279

- 15) Summary and Purpose of Rule: A United States District Court has found 305 ILCS 5/11-30 unconstitutional. *Hicks v. Peters*, 98 C 3247. This provision limited new residents to Illinois to the benefit levels of their previous state for 12 months if the previous state's benefit level was lower than Illinois' benefit level for the comparable program. This rulemaking repeals the Section of the Department's rules which implemented 305 ILCS 5/11-30. Companion amendments are also being adopted in 89 Ill.

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Adm. Code 112 and 113.

- 16) Information and answers to questions regarding this adopted amendment shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of Adopted Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.2	Determination of Not Employable
114.3	Advocacy Program for Persons Receiving State Transitional Assistance
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
EMERGENCY	
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements (Outside City of Chicago only)
114.61	Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)

114.62	Job Service Registration (Outside City of Chicago only)
114.63	Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.64	Responsibility to Seek Employment (Outside City of Chicago only)
114.70	Initial Employment Expenses (Outside City of Chicago only)
114.80	Downstate General Assistance Work and Training Programs
114.85	Downstate General Assistance - Food Stamps Employment and Training Pilot Project

114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)
114.101	Persons Ineligible for TANF Due to Time Limits

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance (Repealed)
114.109	Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers

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(Repealed)	
114.111	Project Advance Sanctions (Repealed)
114.113	Project Advance Good Cause for Failure to Comply (Repealed)
114.115	Individuals Exempt From Project Advance (Repealed)
114.117	Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section	
114.120	Employment and Training Requirements
114.121	Persons Required to Participate in Project Chance (Repealed)
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.124	Employment and Training Participation/Cooperation Requirements (Repealed)
114.125	Employment and Training Program Orientation (Repealed)
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.127	Employment and Training Program Components (Repealed)
114.128	Employment and Training Sanctions (Repealed)
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
114.130	Employment and Training Supportive Services (Repealed)
114.135	Conciliation and Fair Hearings (Repealed)
114.140	Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump-Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision

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114.228 Initial Employment
 114.229 Termination of Employment
 114.230 Exempt Earned Income
 114.235 Recognized Employment Expenses
 114.240 Income From Work/Study/Training Program (Repealed)
 114.241 Earned Income From Self-Employment
 114.242 Earned Income From Roomer and Boarder
 114.243 Earned Income From Rental Property
 114.244 Earned Income In-Kind
 114.245 Payments from the Illinois Department of Children and Family Services
 114.246 Budgeting Earned Income For Contractual Employees
 114.247 Budgeting Earned Income For Non-contractual School Employees
 114.250 Assets
 114.251 Exempt Assets
 114.252 Asset Disregards
 114.260 Deferral of Consideration of Assets (Repealed)
 114.270 Property Transfers (Repealed)
 114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section

114.350 Payment Levels
 114.351 Payment Levels in Group I Counties
 114.352 Payment Levels in Group II Counties
 114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section

114.400 Persons Who May Be Included In the Assistance Unit
 114.401 Eligibility of Strikers
 114.402 Special Needs Authorizations (Repealed)
 114.403 Institutional Status
 114.404 Retrospective Budgeting
 114.405 Budgeting Schedule
 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
 114.420 Redetermination of Eligibility
 114.430 Extension of Medical Assistance Due to Increased Income from Employment
 114.440 Attorney's Fees for VA Appellants
 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section

114.450 Child Care (Repealed)

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114.452 Child Care Eligibility (Repealed)
 114.454 Qualified Provider (Repealed)
 114.456 Notification of Available Services (Repealed)
 114.458 Participant Rights and Responsibilities (Repealed)
 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 114.464 Rates of Payment for Child Care (Repealed)
 114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section

114.500 Transitional Child Care Eligibility (Repealed)
 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
 114.508 Qualified Provider (Repealed)
 114.510 Notification of Available Services (Repealed)
 114.512 Participant Rights and Responsibilities (Repealed)
 114.514 Child Care Overpayments and Recoveries (Repealed)
 114.516 Fees for Service for Transitional Child Care (Repealed)
 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134

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effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 1, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5,

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1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2884; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815;

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effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective JAN 20 1999.

SUBPART G: OTHER PROVISIONS

Section 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)

if an applicant has moved to Illinois from another state and received assistance in that state under a program that is equivalent to the General Assistance program during any of the twelve months immediately preceding the date the applicant's current Illinois residency began the applicant is eligible to receive assistance in an amount no greater than the amount of comparable assistance received from the other state for the first twelve months of residency in Illinois.

(Source: Repealed at 23 Ill. Reg. 1619, effective JAN 20 1999)

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- 1) Heading of the Part: Individual Care Grants for Mentally Ill Children
- 2) Code Citation: 59 Ill. Adm. Code 135
- 3) Section Numbers:

135.5	<u>Adopted Action:</u>
135.10	New Section
135.15	Amended
135.20	New Section
135.30	Amended
135.40	Amended
135.50	Amended
135.60	Repealed
135.70	Amended
135.80	Repealed
135.81	New Section
135.85	New Section
135.90	Amended
135.91	New Section
135.100	Repealed
135.110	Repealed
135.120	Amended
135.130	Amended
135.135	New Section
135.140	Amended
135.150	Repealed
135.160	Repealed
- 4) Statutory Authority: Implementing Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7.1] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) Effective Date of Amendments: January 29, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 2, 1998, 22 Ill. Reg. 17205
- 10) Has JCAR Issued a Statement of Objections to these Amendments? No

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11) Difference(s) between proposal and final version:

In the Table of Contents 135.140, deleted "(Repealed)".

In Section 135.10, deleted "These services ... appropriate supervision".

In Section 135.10, deleted "determine ... not need psychiatric hospitalization" and replaced it with "to assess an individual's need for intensive community based services or the need for referral for an evaluation for hospitalization."

In Section 135.10, deleted "paraprofessional ... degree" and replaced it with "contractual agent of the SASS agency".

In Section 135.20(b), deleted "and" and removed strike-through from "or".

In Section 135.20(d), inserted "or" before "in", deleted "award of the court" and deleted "or already receiving ... agency" and changed "after" to "before".

Deleted Section 135.20(g).

In Section 135.40(c)(11), deleted "Report of ... at the time of application" and replaced it with "proof that a child is enrolled in an approved educational program at the elementary/high school level".

In Section 135.50(b), inserted after "reviewed" "and an eligibility determination made".

In Section 135.60(a), struck "a) If a ... program".

In Section 135.70(c), after "Neurology", inserted "and shall have been instructed in this part and the statute governing the ICG/MI program (Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7.1]) and shall have had no professional or personal relationship with he child and family to be reviewed".

In Section 135.85(a)(3), deleted the final "and".

In Section 135.85(a), deleted final period and inserted "; and 5) Identify the licensed physician, clinical psychologist, clinical social worker, or clinical professional counselor under whose clinical direction the services will be provided and obtain by signature his/her approval of the plan."

In Section 135.90(b)(2), deleted "the Program Compliance Division of".

In Section 135.90(b)(3), inserted after "rate", "that includes residential

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services, such as room and board, but does not include tuition as" and replaced "Governor's" with "Illinois" and replaced final period with "; and".

At the end of Section 135.90(f)(3)(C), inserted "D) Transportation costs, to and from the facility. 4) Applying to the local education agency for the tuition costs of residential placement or making other arrangements to pay for such costs. A determination by the Department that an individual is eligible for the ICG/MI program is not binding on the local education agency in regards to special education services."

In Section 135.120(2), deleted "The completion ... funding" and replaced it with "the child is no longer enrolled in an approved education program at the elementary/high school level,".

In Section 135.120(b), inserted "ICG funding will continue during the appeal process."

In Section 135.130, inserted "the" before "Department", struck through "stuff or contractual agents", deleted "may", and inserted "retains the right for on site inspection to" before "monitor".

In Section 135.130(c), inserted after period, "ICG funding will continue during the appeal process."

In Section 135.135(a), deleted "documentation ... care" and replaced it with "proof of enrollment in an approved educational program at the elementary/high school level".

In Section 135.135(b), deleted "the ... district" and replaced it with "proof of enrollment in an approved educational program at the elementary/high school level".

In Section 135.135(e), inserted "ICG funding will continue during the appeal process."

In Section 135.140, deleted "Repealed" and inserted:

"a) The Department may reimburse a community agency for up to 120 consecutive or non-consecutive nights per State fiscal year for an individual on a programmatically approved absence from the residential facility."

b) An agency will not be reimbursed for individuals' absence after the date of discharge or when his or her treatment plan includes removal from the agency program or after the date of the agency's knowledge of the individual's pending termination."

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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 135
INDIVIDUAL CARE GRANTS
FOR MENTALLY ILL CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	
135.5	Purpose
135.10	Definitions
135.15	Incorporation by reference
135.20	Eligibility criteria
135.30	Parent/guardian responsibilities
	supplementation
	Conditions-----for-----financial

SUBPART B: APPLICATION, REVIEW AND APPEAL

Section	
135.40	Application process
135.50	Eligibility determination process
135.60	Complaint resolution process (Repealed)
135.70	Secretary's Director's level appeal

SUBPART C: PLACEMENT

Section	
135.80	Approved placement roster (Repealed)
135.81	Individual services plan development
135.85	Alternative in-home/community services
135.90	Residential placement
135.91	Discharge from residential services
135.100	Supplemental security income (SSI): Social Security Administration (SSA) (Repealed)
135.110	Education (Repealed)
135.120	Termination of funding and/or services
135.130	Monitoring
135.135	Grant renewal process
135.140	Bed holds
135.150	Discharge (Repealed)
135.160	Communications, records and reports (Repealed)

AUTHORITY: Implementing Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7.1] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

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c) A bed hold billing request by an agency that falls within a 60 day cumulative limit per State fiscal year will be authorized provided it is consistent with the Department's policies and procedures.

d) Any absence that would exceed 60 cumulative days per State fiscal year must be communicated to and approved by the Individual Care Grant Program staff.

e) An agency shall incorporate planned home visits and vacations into the child's treatment plan. The plan should be consistent with the treatment goals to avoid extended absences that may inhibit an individual's progress."

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes

13) Will this amendment replace an Emergency Rule currently in effect? Yes

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: Part 135 is being amended to update language, clarify and expedite the eligibility determination process, delete procedural information, require increased parental participation and input in the treatment process, supporting consideration of in-home/community-based services, in lieu of residential placement or as part of a discharge plan from a residential placement, streamline the eligibility determination process using licensed clinical professionals as single reviewers and institute utilization review procedures.

16) Information and answers to questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of Adopted Amendment begins on the next page:

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SOURCE: Adopted at 11 Ill. Reg. 13408, effective July 31, 1987; emergency amendment at 16 Ill. Reg. 2648, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; emergency amendment at 22 Ill. Reg. 17354, effective September 17, 1998, for a maximum of 150 days; amended 23 Ill. Reg. 1628, effective JAN 29 1999.

SUBPART A: GENERAL PROVISIONS

Section 135.5 Purpose

This Part is intended to define the terms under which children are eligible to receive funds for residential placement due to their mental illness, including alternative in-home/community services in lieu of residential placement, when clinically appropriate. Funds are provided to assist parents/guardians in obtaining such services at the appropriate level of care. Among the Part requirements are two primary mandates to be satisfied so that the grant can be approved for renewal on an annual basis. These are documentation of parental participation in the child's care, treatment and discharge to family and community and evidence of the child's continuing clinical need for the current level of care.

(Source: Added at 23 Ill. Reg. 1628, effective JAN 29 1999)

Section 135.10 Definitions

"Behavior management intervention." A time-limited, child and family training/therapy intervention focused toward amelioration or management of specific behaviors that jeopardize the child's functioning in the home/family setting. This intervention typically teaches/models techniques and skills that can be used by the parent/guardian and other family members.

"Children." Individuals under 18 years of age persons-17-years-old-or-younger-10th-birthday-terminates-child-status.

"Days." Refers to calendar days.

"Department." The Department of Human Services.

"Child support services." Time-limited funding to cover costs that would otherwise be prohibitive to the parents for the child to participate in community activities when those activities are related to objectives in the child's current individual services plan.

"Families."--Parents,--natural--or--adoptive,--or--an--individual--family

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member-appointed-as-legal-guardian--by--the--court,--A--governmental agency-or-social-service-agency,--or--any-employee--thereof,--appointed-by-a-court--as--guardian--or--custodian--is--not--considered--family--for application-purposes.

"Guardian." The court-appointed guardian of the person and/or estate under the Probate Act of 1975 [755 ILCS 5].

"Licensed private facilities." Residential treatment facilities licensed by the Department of Children and Family Services (DCFS) in accordance with DCFS rules at 89 Ill. Adm. Code 404, the Licensing Standards for Child Care Institutions and Maternity Centers (89--Ill-Adm--Code--404), or, for out-of-state facilities, in accordance with Section 15.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.1], which have been accredited by the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) as a psychiatric facility serving children and adolescents or which have been surveyed and approved by the Department as meeting standards equivalent to standards for psychiatric facilities serving children and adolescents found in the 1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181 (1996)). JCAHO's-Consolidated-Standards-Manual/85-for-Child,Adolescent--and-Adult-Psychiatric,Alcoholism--and--Drug-Abuse Facilities--Serving--the--Mentally-Retarded/Developmentally-Disabled (1984),--with-no-late-editions-or-amendments.

"Life domains." Refers to the major areas of functioning in the child's life that may be impaired by the child's mental illness.

"Network." An organizational unit of the Department's Office of Mental Health responsible for administering State funds for mental health services within a geographically defined area and for organizing a network of mental health services through public and private providers.

"Parent/guardian." A parent, biological or adoptive, or an individual appointed as legal guardian by the court. A governmental agency or social service agency, or any employee thereof, appointed by a court as guardian or custodian is not considered a parent/guardian for application purposes.

"Screening, assessment and support services (SASS)." Intensive community-based mental health services funded by both the Department and DCFS that are provided to children who are at risk of or who actually experience hospitalization due to psychiatric reasons. SASS include pre-admission screening services to assess an individual's need for intensive community-based services or the need for referral

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for an evaluation for hospitalization; monitoring, discharge linkage and aftercare planning for children who are hospitalized for psychiatric reasons; and intensive mental health services for up to 90 days for children discharged from psychiatric hospitalization.

"Secretary." The Secretary of the Department of Human Services.

"Staff." Employees or persons under contract with the Department.

"Therapeutic stabilization." An essential part of in-home services, providing a timely one-to-one relationship between the child and a contractual agent of the SASS agency for the purpose of facilitating age-appropriate, normalizing activities of the child.

"Young adults." Individuals 18 through 21 years of age.

"Young adult support services." Time-limited funding for young adults to cover costs of services and supports, not included under other programs for which the person may be eligible, to aid the young adult in his or her transition to community living. These funds can be applied to the costs of a supported living arrangement or other appropriate transitional services that help to integrate the young adult into his or her adult roles in the community.

(Source: Amended at 23 Ill. Reg. 1628, effective JAN 29 1995.)

Section 135.15 Incorporation by reference

Any rules of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Added at 23 Ill. Reg. 1628, effective JAN 29 1995.)

Section 135.20 Eligibility criteria

a) Parent/guardian must be a resident of the State of Illinois. Mental fitness

b) The child must have a severe mental illness be mentally ill. A severe mental illness is defined as a mentally ill child is one with an organic mental or emotional disorder which substantially impairs his or her thought, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of several life domains. Symptoms characteristic of symptoms must include severely impaired reality testing and may include hallucinations, delusions,

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avoidance or withdrawal from human contact, marked affective instability, apathy, bizarre behavior, deficient or unusual forms of communication, agitation and/or potential danger to self or others. The course of the illness should indicate that the symptoms do not represent an acute episode from which rapid and substantial remission is likely. The most commonly applied diagnoses would be one of the schizophrenias, pervasive developmental disorder or a major affective disorder such as bipolar disorder or major depression with psychotic features.

c) There has been an appropriate trial of inpatient, outpatient and/or community-based treatment efforts and residential services.

d) The child must not be under the guardianship of a State agency, or in the legal custody of a State agency.

e) The child must be enrolled in an approved educational program at the elementary/high school level.

f) A completed application package in accordance with Section 135.40 of this Part must be submitted before the child attains the age of 17 years and six months.

g) treatment

h) it must be demonstrated from the clinical records submitted with the application that the child has not benefited from less restrictive non-resident treatment efforts or is most unlikely to benefit from such treatment methods. This determination is based on a favorable response to less restrictive treatment methods that have been employed and symptoms which suggest that community adjustment is not probable.

i) custody

At the time a governmental agency or social service agency or any employee thereof is appointed as guardian or custodian of a child, the child becomes ineligible for an individual care grant (ICG). Should a parent temporarily lose custody by court decision during the process of application and eligibility determination, the application and eligibility determination process will be completed but reimbursement will not commence until the court returns responsibility to the parent and the eligible child is placed in a contracted facility.

(Source: Amended at 23 Ill. Reg. 1628, effective JAN 29 1995.)

Section 135.30 Parent/guardian responsibilities Conditions for financial supplementation

a) The parent/guardian must participate in the child's care, treatment and discharge to family and community.

b) All public sources of financial support available to or for the child, including but not limited to Social Security benefits (SSA) and supplemental security income (SSI) (42 USC 1381), must be applied to the costs of residential care, to the extent provided by law.

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- c) If the child is not already receiving SSI benefits, the parent/guardian must initiate an application for SSI immediately after placement.
- d) The parent/guardian must notify the Department of any changes in the level of financial support from public sources. Declaration of ineligibility, reduction of benefits or loss of benefits through the actions of another governmental agency will not affect the Department's continued funding, unless these actions are the consequence of the parent/guardian's failure to pursue benefits or comply with this Part.
- e) All financial assets of the child exceeding an exempt amount established by the Department must be applied to the costs of residential care. The determination that certain assets may be exempt is subject to the Department's review and approval.
- f) The parent/guardian must notify the Department of any changes of address for the parent/guardian.
- g) The parent/guardian must notify the Department of any changes of guardianship/custody.
- a) Financial supplementation is subject to the Department's authorization of the applicant's placement. Authorization is based on the placement of an eligible child in a contracted facility.
- b) The provider or residential facility selected must have an approved purchase-of-service contract with the Department in accordance with Section 135-90(b).
- c) All public sources of financial support available to or on behalf of the child, including but not limited to Social Security Administration payments (SSA) and supplemental security income (SSI) (42 U.S.C.A. 1301-1396f), must be applied to the cost of the care provided to the extent provided by law.
- d) If parents are not aware of benefits that might be available for their child or have not applied for such benefits, staff will advise parents about possible sources of benefits, how and where to apply and the supportive services, information or arguments which then may be used in pursuit of benefits.
- e) If the child has not been determined eligible for supplemental security income benefits prior to placement, the parent/guardian, on behalf of the child, must make an application with the Social Security Administration for supplemental security income benefits.
- f) If the child has not been determined eligible for educational entitlements pursuant to P.B. 94-142 (Education of the Handicapped Act) (20 U.S.C.A. 1401 (1996)) prior to the application for an individual care grant for the mentally ill (168/MI), then the parent/guardian must apply to the appropriate local school board for educational entitlements under the Education of the Handicapped Act.
- g) The Department must be notified immediately of any changes in public sources of financial support available to or on behalf of the child. Declaration of ineligibility, reduction of benefits or loss of benefits determined by the actions of another governmental agency

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unless resulting from some failure to pursue or comply on the part of the parent, will not affect the Department's continued supplementation.

h) The Department must be notified immediately of any changes of guardianship/custody.

i) The Department must be notified immediately of any changes in the address of the parent/guardian.

(Source: Amended at 23 Ill. Reg. 1628-2, effective JAN 29 1998)

SUBPART B: APPLICATION, REVIEW AND APPEAL

Section 135.40 Application process

- a) A parent/guardian residing in the State of Illinois may obtain an application packet via a telephone call or letter to the ICG Program Office at:

ICG Program Office
Department of Human Services
Office of Mental Health
160 North LaSalle, 10th Floor
Chicago IL 60601
Telephone: 312/814-4288

- b) Complete application materials containing information about the ICG/MI program, the eligibility criteria, required forms and instructions will be sent to the parent/guardian. The cover sheet/application check list will refer the parent/guardian to the SASS agency that will be available to assist the parent/guardian, if requested.
- c) An ICG/MI application is complete and ready for eligibility determination review when it contains the following required documents:
- 1) Completed application package checklist (DMHDD-230);
 - 2) Completed application form (DMHDD-231);
 - 3) Completed DMHDD-403G, Financial Questionnaire;
 - 4) Copy of the child's birth certificate;
 - 5) Copy of the child's Social Security card;
 - 6) Copy of the court order defining custody or non-parental guardianship, if appropriate;
 - 7) Psychiatric evaluation dated within 90 days before the current application submission including mental status examination, a specific principal diagnosis and all other diagnoses, medications, treatment summary and recommendations;
 - 8) A written summary of all trials of less restrictive treatment within the past 12 months;
 - 9) Psychological evaluation dated within the past one and one-half

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years, describing both intellectual and personality functioning;
 10) Social and developmental history from early childhood to present;
 11) Proof that a child is enrolled in an approved educational program at the elementary/high school level; and
 12) Parent/guardian request for eligibility determination and verification of review by parent/guardian of the clinical information submitted (DMHDD-232).

d) Incomplete application packages will be returned to the parent/guardian without review for eligibility determination, indicating missing or incomplete, vague, ambiguous, or illegible items.

e) A natural or adoptive parent or legal guardian residing in the State of Illinois may submit an application on behalf of a child for an individual care grant for mentally ill children (ICG/MI) in need of residential psychiatric services.

b) Upon receipt of a request for an application for the ICG/MI program the staff will respond to the parent/guardian in writing within two working days of the receipt of the request. The staff will provide an ICG/MI application instructions for the completion of the application form and procedures for completion of the application and eligibility process.

e) The complete application package to be sent to parents will include necessary forms requesting information specified in subsection (g) of this Section, instructions for completion of an information Bulletin description of the application, eligibility determination, and placement process, and the parental rights relevant to each part of the process, as detailed in Sections 135-50, 135-60, and 135-70. Information will be included about currently contracted facilities and about sources of advice and assistance available to parents. This package will be completely reviewed by the program supervisor at least annually with interim partial revision as necessary.

d) It is the parent/guardian's responsibility to provide information as specified in the application packet distributed by the staff. The staff will discuss during the initial contact the need to develop a comprehensive list of past and present service providers so that the parent can request all needed information as easily as possible and offer to discuss the initial stages of the process.

e) Staff will collect information held by the Department regarding the child, provide written instructions on the collection of other relevant clinical information, and consult with the parent verbally on any issue regarding the collection of relevant information. If staff review indicates that documents are incomplete or inappropriate, staff will advise the parent verbally or in writing of ways the information might be improved.

f) Should an application remain incomplete for more than 30 calendar days after the first information is received, the parent will be notified in writing of the status at that point and every month thereafter until the application is completed or the parent indicates an

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intention not to continue the process.
 g) An application is complete when it includes a family information form, financial report, court decrees regarding custody, support, or guardianship, and clinical reports from past and present service providers, such as physicians, hospitals, school, mental health, social service agencies, which present a clinical picture of the development, course, current status of the child's mental illness, and his/her response to past and present treatment.

h) When the application is complete or as nearly so as the parent states it can be, staff will notify the parent of the time scheduled for eligibility determination, which will be no less than 10 nor more than 40 calendar days from the date of notification.

i) If the parent has a complaint which cannot be resolved, the parent will be notified that the complaint resolution process (see Section 135-60) may be employed.

(Source: Amended at 23 Ill. Reg. 1628, effective JAN 20 1995)

Section 135.50 Eligibility determination process

a) Application packages will be screened for completeness by the ICG Program Office staff within 15 days after receipt.

b) Complete packages will be reviewed and an eligibility determination made within 30 days after receipt.

c) Eligibility determination will be made by one reviewer from the Department or one contracted by the Department. The reviewer shall be licensed as a physician, clinical social worker or clinical psychologist, shall have had more than five years experience in the assessment, care and treatment of children and adolescents with mental illness, shall have been instructed in this Part and the statute governing the ICG/MI program (Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ICS 1705/7.1]), and shall have had no professional or personal relationship with the child and family to be reviewed.

d) The reviewer shall make an eligibility determination, after a review of the complete application file, based on the eligibility criteria of Section 135.20 of this Part. The determination shall be in writing and shall specify the reasons for the eligibility determination, addressing each of the criteria of Section 135.20.

e) The ICG Program Office shall transmit the reviewer's eligibility determination to the parent/guardian within five days after such determination.

a) The eligibility determination panel shall convene a meeting at least every 30 calendar days to make eligibility determinations on ICG/MI applications.

b) An eligibility determination panel will consist of three Department employees appointed by the program supervisor with one designated as

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chairperson--the members must hold personnel titles in the physician, psychologist, social worker, or special educator series or hold administrative titles having previously held or been qualified for those discipline titles--Each shall have experience in the care and treatment of mentally ill children and adolescents--None shall have had professional contact with any case for which an eligibility determination will be made--Each shall have had instruction in the statute or the rules governing the eligibility determination process--The composition of the panel may vary from time to time and one or more panels may function at any point in time.

c) The parent/guardian shall be notified in writing at least 10 working days prior to the convening of the eligibility determination panel of his or her right to attend this meeting--The parent, accompanied by the child, if he or she deems this appropriate, may invite others to assist in presenting and recording information or asking questions of staff--The parent may inspect all clinical materials to be used in the determination and may add written or verbal information which has become available since the application was completed.

d) The eligibility determination panel makes the final determination on eligibility of all IEG/MH applications--The panel shall hear a concise report of relevant information prepared from the completed application materials by staff and ask such questions and examine such documents as they choose--They shall hear any concise statement the parent wishes to make and examine any new written information submitted by the parent--The parent may ask questions of the staff who presented the report and may, if desired, invite the child to speak about his or her needs and preferences--Recognizing that this may be a stressful situation for the parent and child, the chairperson shall conduct the meeting in a fashion intended to maintain a calm, professional, non-adversarial tone--When the information has been presented, all in attendance except the panel shall be excused.

e) Each panel member will consider the information presented on the basis of the eligibility criteria specified in Section 135.20 and will cast one vote for or against eligibility--The majority will prevail--Each member voting in the majority will, after all votes are cast, state for the record the clinical information that was most compelling in forming his or her judgment.

f) A tape recording will be made of the meeting of the eligibility determination panel--A tape copy of such record will be made available at the cost of the tape to the parent/guardian or his or her representative requesting such copy.

g) The chairperson of the panel will inform the parent and the program supervisor in writing within five working days after the determination made by the panel and the reasons stated by the majority.

h) If the parent/guardian does not agree with the decision made by the eligibility determination panel, he or she may appeal the decision in writing to the Department's Secretary--The Secretary must receive this statement no later than 30 calendar days following the receipt of

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the letter stating the decision:

(Source: Amended at 23 Ill. Reg. 1628, effective JAN 29 1995)

Section 135.60 Complaint resolution process (Repealed)

a) If a parent has a complaint about some element of procedure or program implementation other than a disagreement about an eligibility determination which cannot be resolved with staff, the parent may request a meeting with the Associate Director for Mental Illness. The request must be written and must specify the issue(s) for which resolution is desired.

b) The Associate Director for Mental Illness will acknowledge the request and set a meeting to be held within 10 working days.

c) The Associate Director for Mental Illness assisted if necessary by staff, will meet with the parent and others who may be invited to assist him or her to discuss the complaint and attempt to arrive at a resolution.

d) The Associate Director for Mental Illness will present his/her conclusions in writing to the parent within 10 working days.

e) If the parent is not satisfied, he or she may request a Secretary's level hearing in writing within 30 calendar days after receipt of the Associate Director's conclusions.

f) A hearing panel will be appointed as in Section 135.70 and will set a meeting within 30 calendar days after the Department's receipt of the request for a Secretary's level hearing.

g) The panel will consider oral and/or written information presented by the parents or someone chosen by them and oral and/or written information presented by the Associate Director for Mental Illness. After asking such questions as the panel may wish answered, all persons other than the panel will be excused.

h) Each panel member will decide, based on knowledge of the statute, this Party, the current procedures and the information presented, how the issue should be resolved and will vote on a motion stated in the affirmative form of the complaint--Each member voting in the majority shall in turn specify the basis for the vote--The majority position elaborated by the rationales for the votes will be presented in writing to the Secretary within two working days.

i) On all points not specified above, the elements of Section 135.70 will apply.

(Source: Repealed at 23 Ill. Reg. 1628, effective JAN 29 1995)

Section 135.70 Secretary's Discretion's level appeal

a) The parent/guardian may appeal the denial of eligibility to the

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Secretary in writing. The appeal must be received by the Department from the parent/guardian within 40 days after the date of the denial correspondence from the ICG Program Office. The written appeal must provide in detail each basis on which the appeal is being made, specifically stating each reason that the denial of eligibility is alleged to be improper.

b) A Secretary's level review will be performed within 30 days after the receipt of the parent/guardian's appeal.

c) A Secretary's level review shall be made by one reviewer selected by the Secretary. The reviewer shall be a licensed physician who is board eligible in child psychiatry from the American Board of Psychiatry and Neurology and shall have been instructed in this Part and the statute governing the ICG/MI program (Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7.1]) and shall have had no professional or personal relationship with the child and family to be reviewed. Neurology The reviewer shall not be the original reviewer.

d) Following a Secretary's level review of the original application package, of the original determination, and of the parent/guardian's appeal, the reviewer shall make a recommendation to the Secretary as to whether the child is eligible for an ICG/MI or is not eligible for an ICG/MI.

e) The Secretary shall make the final administrative decision as to whether the child is eligible for an ICG/MI or is not eligible for an ICG/MI. The final administrative decision shall be sent in writing to the parent/guardian within 40 days after the receipt of the parent/guardian's written appeal. The Secretary shall further indicate the basis for the final administrative decision.

f) The Secretary's decision shall constitute the Department's final administrative decision and no application for a rehearing shall be entertained. The decision is then reviewable in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

g) The Secretary will acknowledge receiving the parent/guardian's request to appeal the decision of the eligibility determination panel in writing upon its receipt.

h) The hearing panel shall consist of three voting members, appointed by the Associate Director of Clinical Services; the members shall have the titles, experience and knowledge specified in Section 135-56.

i) The panel shall meet within 30 calendar days after the request to the tape recording of the determination meeting. No new information will be considered. Each panel member will arrive at a decision based on the information at hand, in light of the eligibility criteria specified in Section 135-40 and vote as described in Section 135-56.

j) A tape recording will be made of the Secretary's level hearing. A tape copy of such record will be made available at the cost of the tape to the parent/guardian or his or her representative requesting such copy.

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e) The hearing panel will issue its written recommendations to the Secretary within 10 working days after the completion of the hearing. The Secretary will have 10 working days from the receipt of the hearing panel's recommendation to issue his or her decision and to send said written response to the parent/guardian and the program supervisor. The Secretary's decision will be based on the recommendation a compliance with the statute and this Part.

f) If the parent/guardian does not agree with the decision made by the Secretary, he or she may appeal the decision pursuant to the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 23 Ill. Reg. 1628, effective JAN 29 1990)

SUBPART C: PLACEMENT

Section 135.80 Approved placement roster (Repealed)

a) The Department shall maintain a roster of all applicants who have been determined to be eligible for the ICG/MI program.

b) The roster will be structured as follows:

1) Eligible children actively pursuing placement. An eligible child is presumed to be on the active roster unless the parent has indicated in writing to the contrary. If staff has reason to believe a child should be on the inactive roster but the parent has not requested it, staff will notify the parent in writing of the information that suggests transfer and his or her right to respond and after 30 calendar days will effect the transfer unless the parent provides within that time information to support maintenance on the active roster. Most commonly information that suggests transfer will relate to placement by another agency, loss of custody or guardianship, absence of the child from the family setting, continued need for psychiatric hospitalization or the parents do not seek placement as specified in Section 135-90 for 60 days. The parent will be notified when a roster transfer occurs.

2) Eligible children not actively pursuing placement or whose guardianship or custody has been transferred by a court from the parent to a governmental agency.

c) If an eligible child is on the inactive roster due to a court-ordered parental loss of guardianship or custody, the staff will provide clinical information, recommendations for treatment and potential placement options to the other governmental agency at their request and with appropriate consent from the guardian and the minor, if he or she is 13 years old or older.

d) The parent may return his or her child to the active roster by a request in writing specifying the changed circumstances which lead to an active pursuit of placement.

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- e) If an eligible child has not been placed, staff will offer to assist the parent to locate appropriate interim services in or near his or her home community.
- f) Should the parent and staff disagree about the appropriateness of roster placement, the parent will be notified that either may invoke the complaint resolution process. The parent shall be notified if the staff invokes the process.
- g) The roster will include identifying information, date of approval, current service provider(s) and the status of the placement process or the reason for not actively pursuing placement.
- h) The roster will be reviewed by the program supervisor at least once a month and by the Associate Director at least once a quarter in preparation for the report required in Section 135.160(f).

(Source: Repealed at 23 Ill. Reg. 1628, effective JAN 29 1996)

Section 135.81 Individual services plan development

- a) When the individual has been determined eligible, the ICG Program Office will refer the parent/guardian to the appropriate SASS agency for the purpose of developing an individual services plan.
- b) At the individual services planning meeting the parent/guardian will consider available residential options and may consider alternative in-home/community service options, in lieu of residential placement, if the alternative services meet the needs of the individual and are recommended by the SASS program supervisor. The SASS agency shall provide the documentation of parent/guardian considerations to the ICG Program Office.

- c) The development and/or implementation of an individual services plan may be deferred for one or more of the following conditions:

- 1) Continuing hospitalization is required;
- 2) Extended absence from the family due to runaway or a court-ordered transfer of custody or guardianship to a governmental agency; or
- 3) The parent/guardian does not wish to initiate any services with ICG/MI funding or fails to participate in the individual services planning.

- d) If the individual services plan is not developed and/or implemented within one year after the date of approval for eligibility, the parent/guardian must reapply to obtain ICG/MI funding.

(Source: Added 9 1996 at 23 Ill. Reg. 1628, effective JAN 29 1996)

Section 135.85 Alternative In-home/Community Services

- a) The ICG Program Office will review individual services plans as well

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as discharge plans and may approve funding for alternative in-home/community services as described in this Section. The plan to be reviewed and revised every six months by the parent/guardian and appropriate service providers must:

- 1) Identify specific problems to be addressed;
- 2) Integrate all of the services to be provided;
- 3) Define specific goals and objectives and the projected duration and costs of services;
- 4) Reflect the parent/guardian's approval of the identified service providers; and
- 5) Identify the licensed physician, clinical psychologist, clinical social worker, or clinical professional counselor under whose clinical direction the services will be provided and obtain by signature his/her approval of the plan.

- b) Alternative in-home/community services include one or more of the following:

- 1) Therapeutic stabilization;
- 2) Behavior management intervention;
- 3) Child support services; and
- 4) Young adult support services.

- c) ICG/MI funding shall not be used to replace grant-in-aid funded services or other services for which the child and family may be eligible through federal, State, or local funding.

- d) Limits of hours and costs will be authorized on a case by case basis by the Department.

(Source: Added at 23 Ill. Reg. 1628, effective JAN 29 1996)

Section 135.90 Residential placement placement

- a) At the individual services planning meeting, SASS staff will discuss with the parent/guardian the potentially appropriate facilities (based on such factors as the child's age, sex and mental health condition, as well as locations and programs of facilities) and the requirements for placement and parental involvement, and will, at the parent/guardian's direction and with appropriately executed consents, prepare clinical referral packets to be sent to the facilities. Upon notification by the eligibility determination letter that a child is eligible for placement, staff will, within two working days, contact the parent by telephone or letter and invite the parent to come with his or her child for a discussion of placement options and procedures. If the parent declines, that fact will be recorded and written information will be sent to the parent, with the offer of telephone consultation if the parent wishes.

- b) The list of approved facilities appropriate for placement through the ICG/MI program is comprised of facilities which:

- 1) Meet the standards in Section 135.10 for licensed private

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- facilities as defined in Section 135.10 of this Part;
- 2) Have an educational program approved by the Illinois State Board of Education. Have a rate established by the State for the provision of purchased care services in accordance with the Rules of the Governor's Purchased Care Review Board (89 Ill. Adm. Code 9007), the Department of Children and Family Services (89 Ill. Adm. Code 9567), and the Department in accordance with Section 54 of the Mental Health and Developmental Disabilities Administrative Act (20 ILCS 1705/54), and
 - 3) Have a per diem rate that includes residential services, such as room and board, but does not include tuition as established for purchased care services in accordance with the rules of the Illinois Purchased Care Review Board (89 Ill. Adm. Code 9007), the Department of Children and Family Services (89 Ill. Adm. Code 9567), or the Department (Section 54 of the Mental Health and Developmental Disabilities Administrative Act (20 ILCS 1705/54)); and Have entered into a contract with the Department for such service provision during the current fiscal period.
 - 4) Have entered into a contract with the Department for such services during the current fiscal period.
 - c) If appropriate placement for a child cannot be obtained from a contracted provider, the Department may contract with other private facilities acceptable as provided in subsections (b)(1) and (2) of this Section. At the time of this contract, staff will discuss with the parent and child the potentially appropriate facilities (based on such factors as the child's age, sex, and mental health condition, as well as the facility's treatment programs and location), describe requirements for parental involvement, provide specific information needed to approach selected facilities, and will, at the parent's direction, and with the appropriate consent, forward referral packets, if the parent selects in this meeting, one or more facilities, staff will obtain necessary consents at the time, otherwise, the parent will be instructed on completion of the consents and urged to mail them in at the earliest possible time.
 - d) The Department may negotiate for additional services from facilities to augment existing services and/or to develop a specialized resource for a child. Parental participation may as required by the provider include the following:
 - 1) Site visits
 - 2) Interviewing of the parent by the potential provider
 - 3) Compliance with conditions of admission to a program; and
 - 4) Various other contacts with potential provider agencies.
 - e) At the time of placement, the ICG Program Office staff will enter in the case record a summary statement about the expected duration and outcomes of the placement derived from the clinical issues presented at the time of the eligibility determination. An individual service plan shall be developed within 30 days after placement by facility staff in consultation with the parent/guardian and the child. Such

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- service plan shall be reviewed and updated annually, including documentation of parental participation and consideration of discharge to in-home/community services. Such updated plans and progress reports will be provided quarterly to the ICG Program Office. Together with the goals as stated in the case record summary, these documents will be the basis for the Department's review and approval for continuing funding for placement, including alternative in-home/community services which are part of the discharge plan. (See Section 135.135 of this Part.) All in-state placement options will be examined prior to consideration of out-of-state placements unless an out-of-state placement is closer and more readily accessible to the family residence than the nearest available in-state placement, given that the out-of-state placement is as appropriate as the in-state facility based on such factors as the child's age, sex, and mental health condition, as well as the facility's treatment programs and location.
- f) Parent/guardian responsibilities during placement include the following:
 - 1) Participation in and cooperation with the facility's requirements for the child's care, treatment, and discharge to the family and community;
 - 2) Completion and submission of such forms and documents as may be required by the Department;
 - 3) The usual and customary costs of parenthood/guardianship, including:
 - A) Clothing;
 - B) Medical and dental costs;
 - C) Personal allowance and incidentals; and
 - D) Transportation costs, to and from the facility;
 - 4) Applying to the local education agency for the tuition costs of residential placement or making other arrangements to pay for such costs. A determination by the Department that an individual is eligible for the ICG/MF program is not binding on the local education agency in regards to special education services.
 - g) At least every 30 days, staff will confer with parents and will document in the case record progress toward placement.
 - g) If service cannot be obtained from a contracted provider for an eligible child, the Department will make every reasonable effort to contract with facilities approved by the Governor's Purchased Care Review Board in accordance with 89 Ill. Adm. Code 908 and other licensed private facilities to provide for additional appropriate services.
 - h) The Department may issue requests for proposals from contracted facilities if subject to the appropriations received by the Department, expanding existing services or developing a specialized component within a facility is necessary to provide services for eligible children.
 - i) At the time of initial placement, the staff will enter into the case

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record the expected outcome(s) which the placement should produce; these outcome(s) will be directed at the long-term developmental state and should be broader than the goals of the individualized services plan developed by the facility treatment staff in consultation with the parent and the placed child.

j) When an eligible child is actually placed in a contracted facility, it is incumbent upon the facility to follow the terms of its contract with the Department in order to receive reimbursement for services rendered.

k) If the parent has a complaint which cannot be resolved, the parent will be notified that the complaint resolution process (see Section 135.60) may be employed.

l) Parents/guardians are responsible, during residential placement of the child, for the following:

- 1) Participation and cooperation with the facility's requirements for the child's treatment;
- 2) Application for SSI benefits for the child and the payment of these benefits (less a monthly amount determined by the Department) to the facility, if approved;
- 3) Re-application annually in the form of an affirmation of the wish to continue treatment for the child and the belief that the eligibility situation has not changed. This re-application process also includes submitting form BMHBP-146, "Authorization for Release of Information". The re-application packet shall be sent to the Department 30 calendar days before the re-application is due; and
- 4) Parents/guardians are also responsible for:
 - A) Transportation costs to and from the facility;
 - B) Clothing costs;
 - C) Medical and dental coverage or costs and medication costs for conditions other than the child's handicapping condition; and
 - D) Allowance and incidental costs for the child.

(Source: Amended at 23 Ill. Reg. 1628, effective JAN 24 1992)

Section 135.91 Discharge from residential services

a) When a residential provider in partnership with a child's parent/guardian initiates discharge planning, the residential provider shall notify the ICG Program Office of such planning. All parties will work together to develop a timely discharge plan including alternative in-home/community services when clinically indicated. The Department or SASS shall be available to provide technical assistance to the parent/guardian. The ICG Program Office will notify the Manager of the Department's Network where the child will be residing of the child's anticipated return to the area and of the agency(ies)

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to be providing services, if any, including alternative in-home/community services as described in Section 135.85, if any, to the child and family.

b) The ICG Program Office shall notify the appropriate Network of any child who is 17 or older receiving services through the ICG program so that the Network will be aware of the child's ongoing treatment and be made aware that services may be required from the adult system of care, as identified by the Network of residence. At the time the ICG Program Office receives information that the individual is exiting placement, a formal referral to the Network shall be made.

(Source: Added at 23 Ill. Reg. 1628, effective JAN 24 1992)

Section 135.100 Supplemental security income (SSI); Social Security Administration (SSA) (Repealed)

a) The SSI/SSA benefits must be applied toward the child's care at the facility, and will be deducted from the amount of supplementation that the Department will provide unless some portion has been allowed for diversion for other than current support expenses.

b) A monthly portion of the SSI/SSA benefit in the amount of \$25.00 is for the child's personal allowance which will not be applied toward charges for the child's residential treatment.

c) At no time will the Department or its representative be the designated payee of SSI or SSA benefits. The provider may require that the provider be named the designated payee.

d) A notice requesting information regarding eligibility determinations by the Social Security Administration shall be sent by the Department to the parent/guardian or the designated payee within 10 weeks subsequent to the application date. The parent/guardian or designated payee shall notify the Department of the SSI decision.

e) If the parent/guardian or designated payee fails to respond within 10 working days of the parent/guardian's receipt of the notice, the Department shall make a request directly to the Social Security Administration.

f) All responses regarding SSI benefits must be forwarded to the Department in accordance with the State Board of Education's Rules for Special Education (23 Ill. Adm. Code 226).

(Source: Repealed at 23 Ill. Reg. 1628, effective JAN 24 1992)

Section 135.110 Education (Repealed)

a) The parent/guardian must fully pursue all educational entitlements with the appropriate board of education through all statutory levels of appeal if the eligible child is on the active roster and the

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education--issues--are--not--resolved--the--Department--will--assist--the parent--to--appropriately--place--the--child--in--a--contracted--facility--and will--provide--a--temporary--grant--to--fund--the--placement--until--the entitlement--issue--has--been--fully--pursued--and--resolved.

b) it--is--the--parent/guardian's--responsibility--to--notify--the--Department--at least--every--60--calendar--days--after--the--progress--being--made--in--the pursuit--of--educational--entitlements.

(Source: Repealed at 23 Ill. Reg. 1628, effective JAN 29 1995)

Section 135.120 Termination of funding and/or services placement

a) Funding-of-an ICG/MI funding will be terminated in any one-or-more of the following circumstances:

- 1) Failure of the parent/guardian to meet annual reporting and eligibility requirements;
- 2) The child is no longer enrolled in an approved education program at the elementary/high school level, or attainment of age 21, whichever occurs first;
- 3) Completion of residential treatment and/or alternative in-home/community services;
- 4) The parent/guardian is no longer an Illinois resident. Funding and placement for the child may continue until completion of the school year;
- 5) Guardianship of the child is ordered by the court to a State agency;
- 6) The child's resources, private or public, are sufficient to pay the costs of care; or
- 7) Any 12 month period without receiving residential and/or alternative in-home/community services.

b) The parent/guardian's objection to termination may be addressed via the Secretary's level appeal process in accordance with Section 135.70 of this Part. ICG funding will continue during the appeal process.

1) The--child--reaches--his--or--her--18th--birthday--the--adult--if--he/she requests--assistance--will--be--provided--referrals--to--appropriate adult--services.

2) If--the--parent/guardian--requests--the--termination--of--residential placement--for--the--child?

3) The--child's--condition--deteriorates--to--the--point--where hospitalization--is--required--in--the--judgment--of--the--facility--and such--hospitalization--extends--until--the--child's--18th--birthday--or the--facility--indicates--that--his--or--her--re-admission--after hospitalization--is--not--contemplated?

4) The--child--completes--treatment--as--it--is--defined--by--the--parent--and the--provider?

5) The--parent/guardian--moves--out--of--state--Funding--and--placement for--the--child--will--continue--up--to--one--year--from--the--date--of--the

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- mover?
- 6) the--guardianship--of--the--child--is--ordered--by--the--court--to--a--State agency?
- 7) the--parent/guardian--fails--to--comply--with--the--information reporting--and--other--program--requirements--of--this--Part--and--after written--notice--persists--in--an--unreasonable--failure--to--comply--for more--than--60--calendar--days--the--parents--will--be--notified--that should--they--wish--to--contest--termination--under--this--provision?
- 8) they--may--invoke--the--procedure--in--Section--135--60.
- 9) the--bed--hold--expires--during--a--period--when--the--participant--is--not on--extended--bed--hold--pursuant--to--Section--135--140.
- 9) the--child's--resources--and--public--funding--are--sufficient--to--pay the--costs--of--care.

b) The--decision--to--terminate--services--by--the--residential--provider--for reasons--other--than--those--listed--in--subsection--(a)--of--this--Section--is within--the--sole--discretion--of--the--residential--provider--Any--objection to--that--decision--must--be--raised--by--the--parent/guardian--with--the provider--Should--continued--residential--treatment--be--necessary--(see Section--135--20(b))--staff--will--assist--the--parents--to--place--the--child in--an--alternate--contracted--facility--using--the--same--procedures--as those--used--for--an--initial--placement.

(Source: Amended at 23 Ill. Reg. 1628, effective JAN 29 1995)

Section 135.130 Monitoring

a) Pursuant to the ICG program, the Department staff or contractual agents retains the right for on site inspection to will monitor the care, treatment and progress of all-eligible children funded through the ICG/MI program placed-in-contracted-facilities. At-least-annually the-child-will-be-visited-observed-and-interviewed-and-the-results documented-in-the-case-record-with-a-copy-to-the-facility-case-record.

b) Subsequent to any of these monitoring activities, the Department may require termination of placement and the development and implementation of a discharge plan, including alternative in-home/community services Residential-facilities-shall-submit-a quarterly-report-on-the-progress-of-each-recipient-placed-in-its program-and-funded-by-an-individual-care-grant.

c) If the Department terminates placement, the parent/guardian may appeal that determination pursuant to Section 135.70 of this Part. Progress toward-expected-outcomes-established-on-initial-placement-and-reviewed and-reversed-annually-by-Department-staff-will-be-assessed-in-the-light of-information-obtained-from-the-on-site-visit-and-the-quarterly reports. ICG funding will continue during the appeal process.

d) Staff-will-ensure-through-the-monitoring-process-that-the-facility-is addressing-a-discharge-plan-in-accordance-with-the-Department's-rules at-59-III-Adm-Code-125.

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(Source: Amended at 23 Ill. Reg. 1628, effective JAN 29 1995)

Section 135.135 Grant renewal process

- a) The ICG is a grant that shall be reviewed annually and may be renewed with documentation of continuing clinical need at the appropriate level of care as well as proof of enrollment in an approved educational program at the elementary/high school level, and documentation of the parent/guardian's participation in the child's care, treatment and discharge to family and community.
- b) The ICG Program Office staff shall commence a review of the child's care, his or her current educational status via the IEP and parent/guardian's participation three months prior to the anniversary date of the child's entry to the ICG Program. The ICG Program Office will rely on the current individual services plan of the provider serving the child, the provider's quarterly reports, proof of enrollment in an approved educational program at the elementary/high school level and the parent/guardian's report.
- c) The parent/guardian will be notified by the ICG Program Office of the review and will be invited to provide information as to the child's needs, level of care and parent/guardian participation.
- d) The parent/guardian, child (if appropriate) and provider will be notified six weeks prior to the anniversary date of the Department's decision to renew or terminate funding.
- e) If ICG funding is terminated pursuant to the grant renewal process, the parent/guardian may appeal that determination pursuant to Section 135.70 of this Part. ICG funding will continue during the appeal process.

(Source: Added at 23 Ill. Reg. 1628, effective JAN 29 1995)

Section 135.140 Bed holds

- a) The Department may reimburse a community agency for up to 120 consecutive or non-consecutive nights per State fiscal year for an individual on a programmatically approved absence from the residential facility.
- b) An agency will not be reimbursed for an individual's absence after the date of discharge or when his or her treatment plan includes removal from the agency program or after the date of the agency's knowledge of the individual's pending termination.
- c) A bed hold billing request by an agency that falls within a 60 day cumulative limit per State fiscal year will be authorized provided it is consistent with the Department's policies and procedures.
- d) Any absence that would exceed 60 cumulative days per State fiscal year must be communicated to and approved by the Individual Care Grant

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- e) Program staff. An agency shall incorporate planned home visits and vacations into the child's treatment plan. The plan should be consistent with the treatment goals to avoid extended absences that may inhibit an individual's progress. a) A residential service provider will receive ICG/MF funding for a maximum of 10 calendar nights per month for a child on a programmatically approved absence from the residential facility.
- b) The provider must communicate to the Department the need for extended bed holds to meet emergency situations, medical needs or other treatment-related absences.
- c) If the hold exceeds 10 calendar days per month, the ICG/MF funding must then be approved by the Associate Director for Mental Illness based on subsection (b) of this Section.
- d) ICG/MF funds are not available for beds held after the date of discharge.

(Source: Amended at 23 Ill. Reg. 1628, effective JAN 29 1995)

Section 135.150 Discharge (Repealed)

- a) At the time of discharge planning, the Department shall be available to provide technical assistance to the parent/guardian and to the residential facility and will offer to assist in locating appropriate services in or near the home community.
- b) As the reason for discharge varies, the need for resources will be dictated by the specific characteristics of the discharge and by the child's on-going mental health needs.
- c) At the point of discharge of an ICG/MF recipient from a residential facility, the Department shall ensure that the facility complete the necessary documentation as prescribed by the Department.
- d) This documentation includes, but is not limited to:
 - 1) Discharge summary as developed by the provider describing the course of treatment and recommendations for further care.
 - 2) BMHDB-1237, Notice of Admission, or Change in Status, and
 - 3) The detailed aftercare plan, copies of which must be sent within five days after discharge to the Department and the parent or the formerly eligible child, if he or she has achieved the age-of-majority.

(Source: Repealed at 23 Ill. Reg. 1628, effective JAN 29 1995)

Section 135.160 Communications, records and reports (Repealed)

- a) The Department will use simple understandable language in verbal and written communication with all interested parties except when precise

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- communication requires the use of technical terms.
- b) When a parent is substantially unilingual in a language other than English, translation or interpretation services will be used to assure communication.
- c) A permanent confidential clinical case record will be maintained by the Department for each child for whom an application is started. Entry, protection and disposition of the record will be governed by the Department's standards for inpatient medical records.
- d) Department staff will maintain a continuous record of all activities and events in the case record. Events and activities will be documented in a standard format with sufficient specificity that progress can be monitored by an informed reviewer without additional information from responsible staff.
- e) The Department will issue annually an Information Bulletin which will be widely distributed to public and private providers, organizations and advocacy groups. The Bulletin will contain information about the program and its eligibility requirements, and will invite requests for further information or a file copy of the application package.
- f) A quarterly report of the activities of the program will be presented to the Associate Director for Mental Illness within 30 calendar days after the close of each quarter. The report will include among other things the number of applications completed, number of applicants found eligible, number of eligible children placed, average elapsed time between eligibility determination and placement, general reasons for any placement delays, charges in the list of contracted facilities and a narrative summary of efforts to develop or recruit new providers.
- g) The quarterly report will be available to interested parties upon request to the Associate Director for Mental Illness.

(Source: Repealed 1984 23 Ill. Reg. 1628, effective 1984)

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- 1) Heading of the Part: Individualized Written Rehabilitation Program (IWRP)
- 2) Code Citation: 89 Ill. Adm. Code 572
- 3) Section Numbers: Adopted Action:
572.20 Amended
572.30 Amended
572.50 Amended
572.60 Amended
572.70 Amended
- 4) Statutory Authority: Implementing and authorized by Section 3 (a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k).]
- 5) Effective Date of Amendments: January 20, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 4, 1998 22 Ill. Reg. 15912
- 10) Has JCAR Issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: Sections 572.80, 572.90, and 572.100 are not included in the adopted text because the proposed non-substantive changes have already been adopted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendments: The rulemaking amends sections of this Part in response to changes in the federal regulations and changes in the Office of Rehabilitation policy regarding the development of the Individualized Written Rehabilitation Program (IWRP). These revisions change the aim of the IWRP from an employment objective to a vocational goal. They clarify the customer's right to informed choices. Some other amendments are made to make the rules consistent with the organization of

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DHS.

- 16) Information and answers to questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of Adopted Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 572

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM (IWRP)

Section	
572.10	General Applicability
572.20	Commencement of the IWRP
572.30	Purpose of the IWRP
572.40	Coordination of the IWRP with an Individualized Educational Program (IEP)
572.50	IWRP Development and Content
572.60	Format of the IWRP
572.70	Services to Families
572.80	IWRP Amendments
572.90	Notice of Changes to the IWRP
572.100	Case File Documentation
572.110	Review of IWRP
572.200	Reporting of Customer Participation

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8801, effective June 10, 1985; amended at 11 Ill. Reg. 5144, effective March 17, 1987; amended at 14 Ill. Reg. 18561, effective November 5, 1990; amended at 15 Ill. Reg. 17367, effective November 19, 1991; emergency amendments at 17 Ill. Reg. 11770, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20438, effective November 15, 1993; amended at 19 Ill. Reg. 7963, effective June 2, 1995; amended at 20 Ill. Reg. 6311, effective April 18, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1658, effective JAN 20 1999.

Section 572.20 Commencement of the IWRP

The Individualized Written Rehabilitation Program (IWRP) shall be initiated after the Comprehensive Assessment of Rehabilitation Needs Summary (89 Ill. Adm. Code 553.100) or certification for extended evaluation (89 Ill. Adm. Code 553.80).

(Source: Amended at 23 Ill. Reg. 1658, effective JAN 20 1999)

Section 572.30 Purpose of the IWRP

- a) The IWRP is a non-binding agreement between the customer and DHS-ORS

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that outlines the nature and scope of vocational rehabilitation services to be provided to the customer to meet the established objectives that are related to the customer's vocational goal. The IWRP is a non-binding agreement between the customer and DHS-ORS that outlines the services DHS-ORS intends to provide or to assist the customer in the attainment of, to enhance the capacity of the customer to achieve his/her employment objective(s).

b) The IWRP identifies the program of services that will assist the individual to achieve his/her employment objective consistent with his/her unique strengths, resources, priorities, concerns, abilities, and capabilities, career interests, and informed choices.

c) All services that will be provided to a customer after eligibility has been determined and a Comprehensive Assessment of Rehabilitation Needs to the extent necessary for the individual customer has been completed, must be listed on the client's IWRP.

(Source: Amended at 23 Ill. Reg. 1656, effective JAN 20 1996)

Section 572.50 IWRP Development and Content

a) After completion of the Comprehensive Assessment of Rehabilitation Needs Rehabilitation Needs (89 Ill. Adm. Code 553.100), an IWRP must be developed to outline the specific services the customer will receive to enhance the ability of the customer to achieve his/her vocational goal employment objective(s).

b) The IWRP must be jointly developed, agreed to and signed by the customer, or, as appropriate, the customer's parent, family member, guardian, advocate, or authorized representative, and the counselor.

c) The IWRP must contain the following:

- 1) a statement of the vocational goal long-term rehabilitation goals based on the Comprehensive Assessment of Rehabilitation Needs Rehabilitation Needs (89 Ill. Adm. Code 553.100), including an assessment of the customer's career interests, the goal for which shall be, to the maximum extent possible, an employment outcome in an integrated setting;
- 2) a statement of intermediate rehabilitation objectives related to attainment of the customer's vocational employment goal and how these objectives are to be met, based on the informed choice of the customer, in the most individualized and integrated setting;
- 3) a statement of the specific VR services to be provided, with anticipated beginning and ending dates for each service;
- 4) an assessment, and a reassessment prior to case closure, of the expected need for post-employment services. If post-employment services are to be provided, the IWRP must include a description of the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services subsequent to the achievement of an employment

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outcome by the individual;

5) an objective criteria and evaluation method, with specific dates, to determine if the goals and objectives are being met;

6) a description of the terms and conditions under which services will be provided to the customer in the most integrated setting possible;

7) identification of the entity or entities that provide VR services to the customer and how the customer will receive the specific services (e.g., by attending an on-site training program, by office visits to a medical service provider, etc.);

8) a statement by the customer, in the customer's words, or if appropriate, by a parent, family member, guardian, advocate or authorized representative, describing how the customer was informed about his/her options regarding his/her objectives, services, service providers and methods of service procurement and how he/she was involved in making these choices;

9) the customer's rights and remedies, including recourse under the appeals process (89 Ill. Adm. Code 510);

10) a description of the availability of services through the Client Assistance Program; and

11) information regarding other related benefits and services the customer may access, which will not be services DHS-ORS will assist in obtaining, but which may assist in the attainment of his/her employment goal.

d) As appropriate, the customer's IWRP must also contain:

- 1) identification of necessary rehabilitation technology services;
- 2) identification of the anticipated need for on-the-job and related Personal Assistance services;
- 3) assessment of the customer's needs for extended services, and prior to case closure after attainment of the employment goal, reassessment of such needs; and
- 4) a statement describing how services shall be provided or arranged through cooperative agreements with other service providers.

(Source: Amended at 23 Ill. Reg. 1656, effective JAN 20 1996)

Section 572.60 Format of the IWRP

a) A copy of the original IWRP and any amendments must be provided to the customer and must, to the maximum extent possible, be provided in the customer's native language and or mode of communication, or, as appropriate, in the native language and or mode of communication of the parent, family member, guardian, advocate or authorized representative.

b) At any time a non-English print version of any form or document, including the IWRP, is used to meet the customer's needs and is placed in the case file, an English print copy must also be completed by the

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rehabilitation counselor/instructor and placed with the non-English print version in the case file.

(Source: Amended at 23 Ill. Reg. 1656, effective JAN 20 1998)

Section 572.70 Services to Families

DHS-ORS shall provide VR services as contained in 89 Ill. Adm. Code: Chapter IV, Subchapter b, "Vocational Rehabilitation" to a customer's family members only when those services are necessary to assist the customer in attaining or retaining a suitable employment outcome.

(Source: Amended at 23 Ill. Reg. 1656, effective JAN 20 1998)

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1) Heading of the Part: School Base/Linked Health Centers

2) Code Citation: 77 Ill. Adm. Code 2200

3) Section Numbers: Adopted Action:
 2200.10 New Rule
 2200.20 New Rule
 2200.30 New Rule
 2200.40 New Rule
 2200.50 New Rule
 2200.60 New Rule
 2200.70 New Rule
 2200.80 New Rule
 2200.90 New Rule
 2200.100 New Rule
 2200.110 New Rule
 2200.120 New Rule
 2200.130 New Rule
 2200.140 New Rule
 2200.150 New Rule

4) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Infant Mortality Reduction Act [410 ILCS 220] and the Problem Pregnancy Health Services Care Act [410 ILCS 230] and authorized by Sections 80-15 and 80-30 of the Department of Human Services Act [20 ILCS 1305/80-15 and 8-30].

5) Effective Date of Rules: 1/20/99

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: August 7, 1998, 22 Ill. Reg. 14377

10) Has JCAR Issued a Statement of Objections to this Rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): The mission of school based/linked health center (SBLHCs) is to make it easier for students to receive health care and to improve the physical and emotional health of students by teaching them life-long health habits. They promote healthy lifestyles through health education and provide available, accessible medical and mental health services to students who are unable to receive medical care when they need it and to students who come from families that cannot afford health care. School Based Health Clinic Guidelines, implemented in 1986, were put in place as a guide for the school based health centers funded by the Illinois Department of Public Health. The guidelines were used as the basis for planning, development, monitoring, evaluation and quality assurance. Guidelines of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists must also be adhered to. The guidelines provided a mission statement and standards to be followed in areas such as community outreach; administration and organizational structure of the center including health center to students; confidentiality of services; standards of professional work; maintenance of records; health education requirements; release of information/referral and physical plant. As a result of this proposed rulemaking, the guidelines will now be put into actual rule form.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of Adopted Rules begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 77: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER J: SCHOOL-BASED/LINKED HEALTH CENTERS

PART 2200

SCHOOL-BASED/LINKED HEALTH CENTERS

Section	Definitions
2200.10	Introduction
2200.20	Organizational Structure
2200.30	Policies and Procedures
2200.40	Compliance Standards
2200.50	Scope of Services
2200.60	Staffing Standards
2200.70	Access Standards
2200.80	Student Identification
2200.90	Data, Medical Record Keeping, Exchange and Confidentiality
2200.100	Care Coordination
2200.110	Student Rights and Responsibilities
2200.120	Quality Improvement Standards
2200.130	Marketing and Community Outreach
2200.140	Finance
2200.150	

AUTHORITY: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Infant Mortality Reduction Act [410 ILCS 220] and the Problem Pregnancy Health Services Care Act [410 ILCS 230] and authorized by Sections 80-15 and 80-30 of the Department of Human Services Act [20 ILCS 1305/80-15 and 8-30].

SOURCE: Adopted at 23 Ill. Reg. **1662** - ³, effective JAN 20 1999.

Section 2200.10 Definitions

Clinical Laboratory Improvement Amendments (CLIA) of 1988 (42 USC 263a) - Conditions that laboratories must meet to be certified to perform testing on human specimens, as set out in 42 CFR 493 (1997), no later amendments or editions included.

Clinically Trained Mental Health Practitioner - Master's level social worker, psychologist, certified psychiatric nurse, or mental health staffer (bachelor-prepared social worker or psychology major working toward master's preparation). (See 225 ILCS 20, 225 ILCS 15, 225 ILCS 55.)

Department - Illinois Department of Human Services.

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Managed Care Entity (MCE) - Health Maintenance Organization (HMO) or prepaid health entity under contract with the Illinois Department of Public Aid (see 89 Ill. Adm. Code 142).

Nurse Practitioner - A certified nurse practitioner, preferably with a master's degree and a background in school health, pediatrics, family nursing and/or family planning who is licensed under the Illinois Nursing Act of 1987 [225 ILCS 65].

Parent - Individual who is legally responsible for custody of the child.

Physician Assistant - Any person not a physician nor a person holding an M.D. or equivalent degree who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in the Physician Assistant Practice Act [225 ILCS 95].

Qualified Physician - A physician licensed to practice medicine in all of its branches in the State of Illinois under the Medical Practice Act of 1987 [225 ILCS 60] or a chiropractic physician licensed to treat human ailments without the use of drugs and without operative surgery.

Registered Nurse - A nurse licensed under the Illinois Nursing Act of 1987 [225 ILCS 65].

School-Based/Linked Health Center (Center) - Any Center in or adjacent to a school that is devoted primarily to performance of preventive medical, educational, counseling, and/or diagnostic procedures. A comprehensive school-based Center may provide a wide variety of preventive services including general health assessments, school/sports physicals, Early Periodic Screening Diagnostic Testing (EPSDT), laboratory and diagnostic screenings, immunizations, first aid, family planning counseling and services, prenatal and postpartum care, dental services, drug and alcohol abuse counseling, and other services based on the student's needs and on the philosophy of the managing agency and school administration.

Sponsoring Agency - A local health department, a school district recognized by the State Board of Education and/or a community-based not for profit agency, that has a history of providing comprehensive school health services.

Substance Abuse Prevention/Intervention Specialist - An individual who has completed a formal education process in addiction therapy and who is certified by the Illinois Association of Drug and Alcohol

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Professional Counselors Association (IADAPCA), 1305 Wabash Street, Springfield IL 62704, and who is licensed under the Professional Counselor and Clinical Professional Counseling Licensing Act [225 ILCS 107].

Section 2200.20 Introduction

- a) The purpose of the Center is to improve the overall physical and emotional health of students by promoting healthy lifestyles and by providing available and accessible preventive health care when it is needed.
- b) The specific goals of the Centers are to improve student knowledge of preventive health care; provide early detection of chronic disorders and early treatment of acute health problems; improve decision-making about health matters; reduce risk-taking behaviors; develop health promoting behaviors; provide preventive care; provide initial emergency treatment of injuries and illness with appropriate subsequent referral; detect signs of emotional stress and psycho-social problems for treatment, counseling or referral; facilitate students' use of health care systems by establishing links with primary health care providers; and promote continuing comprehensive health care for students of all ages.
- c) The Center is located in the school or on school grounds, serving minimally the students attending that school. The Center may agree to serve additional students per its application. A school-linked health center located off school grounds must have a formal agreement to serve students attending one or several schools within the district.

Section 2200.30 Organizational Structure

The Center is organized and administered in a manner that ensures that it serves the health and health related needs of students in a high quality and cost-effective manner, promotes easy access to services, provides students with linkage information for after-hour service needs, assists students in learning how to appropriately utilize services within and outside the Center, and works with the student's primary care provider and insurer or managed care entity (MCE) to facilitate continuity of care.

- a) The Center must establish and maintain an Advisory Board whose main purpose is to advise, make recommendations, and provide community support and feedback. The Advisory Board must be established before the Center is opened.
 - 1) The board will include a minimum of eight members representing the following areas: school administration, school nurse, students, the medical community, the local health department, parents, clergy, youth service agencies and community leaders.
 - 2) The board will meet not less than annually.
 - A) Meetings will be documented with written minutes.
 - B) The written minutes will be maintained at the Center for

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Department inspection.

- b) Ownership
The name and address of each person/organization with financial interest in the Center shall be submitted to the Department along with proof of adequate liability coverage for staff, clients, and facility.
- c) Organizational Chart
1) An organizational chart must be kept on hand that:
A) outlines the role of the back-up provider(s), the Center, and the school.
B) reflects a clear line of authority for the Center.
2) The organizational chart must be reviewed at least annually and revised as needed.
- d) Organizational Plan
1) The organizational plan shall be maintained in the Center and made available for public information.
2) The plan sets forth the organization, duties, responsibilities, accountability, and relationship of professional school and Center staff and other personnel.
3) All owners, administrators, professional staff, and ancillary personnel shall act in accordance with the policies and procedures.
4) The plan shall be submitted to the Department with the initial application and will be reviewed during regular site visits by Department staff.

Section 2200.40 Policies and Procedures

- a) At a minimum the Center must have the following written policies set forth and in place:
1) Non-discrimination, confidentiality, parental consent, student rights/responsibilities, release of information, conflict of interest/disclosure, equal opportunity employment, Americans With Disabilities Act, disaster and fire safety, and quality assurance.
2) The job descriptions that define the qualifications, responsibilities and supervision of all health center personnel.
- b) The policies and procedures must be reviewed and updated at least annually. The review must be acknowledged in writing.

Section 2200.50 Compliance Standards

- a) All medical services must be in compliance with the standards set by the American College of Obstetricians and Gynecologists (ACOG), 1985, 409 12th Street S.W., Washington D.C. 20024-2189, American Academy of Pediatrics (AAP), 1988, P.O. Box 927, Elk Grove Village IL 60009-0927, and American Academy of Family Physicians (AAFP), 1997, 8800 Ward Parkway, Kansas City MO 64114.
- b) Guidelines established by the 1997 National Committee for Quality

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Assurance Accreditation (NCQA), 2000 L Street N.W., Suite 500, Washington D.C. 20036, effective April 1, 1997.

- c) Laboratory services must be in compliance with the Clinical Laboratories Improvement Amendments of 1988 (CLIA). Medical record maintenance will be in compliance with the "Problem-Oriented Medical Record System and Medical Record Management Guidance" (1980), issued by the U.S. Department of Health and Human Services.
- d) The standards and guidelines cited in subsections (a), (b) and (c) include no later amendments or editions.

Section 2200.60 Scope of Services

The Center provides comprehensive primary and preventive physical, mental health, and health education services for children and adolescents within the context of their family, social/emotional, cultural, physical and educational environment. Some services, based on local need and expertise, may be made available by referral with appropriate follow-up. As determined by community needs, the Center will provide the following services:

- a) Medical Services
1) Basic medical services include:
A) well child or adolescent exams, consisting of a comprehensive health history, complete physical assessment, screening procedures and age appropriate anticipatory guidance
B) immunizations
C) health education
D) nutrition counseling and education
E) the preventive services specified by the federal Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program
F) the services specified by the Guidelines for Adolescent Preventive Services (GAPS), 1992, 515 North State Street, Chicago IL 60610, no later amendments or editions included, prepared by the American Medical Association
G) diagnosis and treatment of acute illness and injury
H) basic laboratory tests for pregnancy, sexually transmitted diseases (STDs), primary prevention
I) prescriptions and/or dispensing of commonly used medications for identified health conditions, in accordance with the Medical Practice Act of 1987 [225 ILCS 60] and the Pharmacy Practice Act of 1987 [225 ILCS 85]
J) acute management and on-going monitoring of chronic conditions, such as asthma, diabetes, and seizure disorders
2) Reproductive health services provided directly or by referral based upon local Advisory Board approval:
A) abstinence counseling
B) gynecological examinations
C) diagnosis and treatment of sexually transmitted diseases
D) family planning

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- E) prescribing, dispensing, or referring for birth control
- F) pregnancy testing
- G) treatment or referral for prenatal and postpartum care
- H) cancer screening and education
- b) Mental Health Services include:
 - 1) Basic mental health services
 - A) mental health assessment
 - B) individual, group, and family counseling
 - C) crisis intervention
 - D) consultation with school administrators, parents, teachers and students
 - E) violence prevention, education and intervention
 - F) referrals to a continuum of mental health services, including emergency psychiatric care, community support programs, and inpatient and outpatient programs
 - 2) Substance abuse services include:
 - A) assessment of substance abuse problems
 - B) education regarding substance abuse prevention
 - C) referrals to a continuum of substance abuse services, including intervention and treatment services
 - D) supportive counseling for students recovering from substance abuse
- c) Optional Services include:
 - 1) dental screening and treatment
 - 2) well child care of students' children
 - 3) care of faculty, siblings and other community members
- d) Health Education/Promotion
 - 1) Basic health education services may be provided in the following format:
 - A) individual health education and anticipatory guidance for students and parents
 - B) group education at the Center
 - C) family and community education
 - D) health education for the Center and school staff
 - E) support for comprehensive health education in the classroom
 - 2) Areas to be covered may include:
 - A) intentional and unintentional injury prevention
 - B) substance abuse prevention and cessation
 - C) nutrition counseling and education
 - D) social skills development
 - E) self esteem
 - F) depression/suicide
 - G) physical and emotional development
 - H) conflict resolution
 - I) human sexuality
 - J) child abuse prevention
 - K) child care
 - L) violence prevention (including domestic violence, date rape,

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- sexual assault)
 - M) STD/HIV/AIDS prevention
 - N) pregnancy prevention
 - O) smoking prevention/cessation (including smokeless tobacco)
 - P) chronic disease prevention
 - Q) general parenting skills
 - R) family planning
 - S) abstinence education
 - T) parental stress
- e) Eligibility
 - 1) All students in the schools under the age of 18, are eligible for services if they have obtained written parental consent. (See 410 ILCS 210/1, 2, 3 and 4.)
 - 2) All students 18 years of age, and/or who are otherwise able to give their own consent are eligible for the services. (See 410 ILCS 210/1, 2, 3 and 4.)
- f) Emergencies
 - 1) The school administrator and/or school nurse must be notified before a student is transferred to any nearby hospitals and/or emergency departments.
 - 2) The parents are to be notified of any emergencies involving their children.
 - 3) A plan outlining emergency procedures, including the transferring of students to outside medical facilities, is to be completed in written form and kept at the Center.
 - A) The procedure will outline the steps necessary for referring students to community-based health care providers when the Center is not able to provide the required services.
 - B) The Center is to coordinate the student's medical information being exchanged between the Center and the student's primary care practitioner, medical specialist or MCE.
- g) Child Abuse/Mandated Reporting
 - 1) Mandated reporters are professionals who may work with children in the course of their professional duties. (See 325 ILCS 5/4.)
 - 2) Mandated reporters are required to report suspected child maltreatment immediately when they have reasonable cause to believe that a child known to them in their professional or official capacity may be an abused or neglected child. (See 325 ILCS 5/4.)

Section 2200.70 Staffing Standards

The Center must deliver care to students by Illinois licensed, registered and/or certified health professionals who are trained and experienced in community and school health, and who have knowledge of health promotion and illness prevention strategies for children and adolescents. The Center's sponsoring agencies ensures that all providers are appropriately credentialed.

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a) Recommended on-site Center staff include the following:

- 1) Nurse practitioner or physician assistant who must operate under the standing orders of a physician (family practitioner or pediatrician);
 - 2) Consultant or back-up physician (family practitioner, pediatrician or adolescent specialist) who has equivalent practice privileges in at least one licensed Illinois hospital, can provide medical consultation and referral, ensures compliance with the policies and procedures pertaining to medical and surgical procedures, and signs standing orders/protocols for mid-level practitioners and observes the same in practice;
 - 3) Clinically trained mental health practitioner (master's level social worker, psychologist, certified psychiatric nurse, or mental health staff (bachelor prepared social worker or psychology major working toward master's preparation)) to provide individual assessment, treatment, and referral, as well as group and family counseling;
 - 4) Medical receptionist/secretary and/or medical support staff (health aide, medical assistant, or licensed practical nurse) to maintain medical records, collect and enter data, bill for services, make appointments and greet students;
 - 5) Certified and licensed substance abuse prevention/intervention specialist; and
 - 6) Health educator, dentist/dental hygienist, nutritionist.
- b) The staff is assigned responsibilities consistent with their education and experience, supervised and evaluated annually, and trained in the policies and procedures of the Center.
- c) The staff must participate in minimal, annual ongoing professional development programs to update and enhance their knowledge of community and school health promotion, illness prevention, and health strategies for children and adolescents. Documentation must be available in personnel records or a continuing education file.
- d) The staff must be currently trained in emergency care, including general first aid, cardiopulmonary resuscitation, and the Heimlich maneuver.
- e) The Center must have a written emergency plan for disasters and for crisis interventions that is consistent with the school's plan and coordinated with the community emergency response system. The staff must be trained in implementing these plans.
- f) The Center that contracts with an outside agency for the provision of mental health and/or substance abuse services must assure that the contracting agency has experience in providing care to children and adolescents, is duly licensed if subject to licensure, and has adequate liability coverage.
- g) The Center will document in the student's record that a referral was made and indicate follow up on the outcome of the referral, when relevant, and the health care provided by the Center.

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Section 2200.80 Access Standards

The Center must establish procedures for the availability of primary care providers and for access to routine, urgent and emergency care, telephone appointments and advice.

a) Availability of Services

1) The Center operations must ensure that:

- A) the facility provides 24 hour coverage, 12 months a year;
 - B) services are accessible either on-site or through formal referral;
 - C) services are convenient to students and include, as necessary, before or after school hours;
 - D) working parents, to the maximum extent possible, are accommodated in the health care of their children;
 - E) urgent appointments can be handled within the same day and/or the following day;
 - F) scheduled appointments do not unnecessarily interrupt the student's classroom time;
 - G) services are available in multiple languages as appropriate for the student population;
 - H) non-urgent appointments are offered within seven days or through formal referral;
 - I) no medical experimentation or invasive research is done on students; and
 - J) telephone answering methods are in place to notify students and parents where and how to access 24 hour back-up services when the Center is not open.
- 2) The Center, in response to the cultural and language needs of the student body, must ensure that staff are educated in cultural diversity and that interpreting and translation services are provided by staff or interpreters in a manner that ensures confidentiality.
- 3) The Center cannot deny access to health care services to students based upon insurance status or ability to pay.
- 4) The Center cannot discriminate with regard to race, color, religion, national origin, age, handicap or sex. (See 775 ILCS 5/1-102.)
- 5) The Center must be accessible to students with disabilities and conform to requirements of the Americans With Disabilities Act (42 USC 12204; 36 CFR 1191).
- 6) The Center must provide services to students in a manner that ensures the student's and his/her family's right to privacy.
- b) Physical Plant
- 1) The Center must include an adequate waiting and reception area, office space, private examination and treatment rooms, secure medical record area, and pharmaceutical and supply storage area (office, medical, sterile equipment). The reception area shall include comfortable chairs, educational materials, pamphlets and

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a bulletin board. If laboratory procedures are performed, adequate space for necessary lab equipment and supplies must be available. (See 42 CFR 493.)

- A) Each examining room shall have a screen or door to permit privacy, an examination table with suitable disposable covers, an examination light, a sink equipped for hand washing with paper towel dispenser, waste receptacle, a storage cabinet, a stool and a counter or shelf for writing.
- B) If dental services are provided, each Center shall have at least one dental operator included as a component of its facility.

- C) The Center shall have the following equipment available: microscope, sphygmomanometer; stethoscope; measuring tape; reflex hammer; ophthalmoscope; scale; supplies for obtaining wet slide preparations and bacterial smears, specimens, cultures and cytologic studies; and a centrifuge for hematocrit.

- D) Meeting space shall be available within or near the Center.
- E) Adequate space shall be provided for staff personal belongings.

- F) A multi-purpose room shall be available for conferences and health education purposes, including provision for showing visual aids to individuals and/or groups.

- 2) The Center must comply with laws and regulations governing health facilities.

- A) The Center staff must have training, supplies and equipment necessary to follow infection control practices as defined by OSHA. (See 29 CFR 1910.1030.)

- B) The Center must comply with laws and regulations regarding reportable disease conditions and employee Centers for Disease Control and Prevention (CDC) health policies.

- C) The Center must comply with CLIA regulations regarding laboratory operations. (See 42 CFR 493.)

- 3) The Center must have current fire and building safety certificates and appropriate liability coverage.

- 4) The Center must provide adequate space to ensure student confidentiality and privacy during exams and/or counseling sessions.

- 5) If the Center is located in a separate building from the school, the entrance must be sheltered from the weather and must meet all physical plant requirements of a Center plus the following:

- A) engineering service and equipment areas shall have sufficient space for boilers, furnaces, mechanical equipment and electrical equipment;

- B) waste processing services shall be provided for the sanitary storage and disposal of waste by incineration, mechanical destruction, compaction, containerization, removal or a combination of these techniques;

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- C) storage rooms for building maintenance supplies and yard equipment shall be provided; and
- D) janitor's closets shall be provided with a floor receptor or service sink.

- 6) All pharmaceuticals are to be kept in a locked cabinet or locked refrigerator (if indicated). The physician, nurse practitioner, or physician assistant and staff nurse are the only personnel who may have access to medications. Narcotics will not be kept at the Center. Pharmaceuticals shall be stored and dispensed appropriately and inventoried as required by the Pharmacy Practice Act of 1987 [225 ILCS 85].

- 7) A Center shall develop standing orders and protocols for its nurse practitioner and/or physician assistant and medical director. Protocols for medical treatments must be reviewed and updated annually (signed acknowledgment must be available).

Section 2200.90 Student Identification

The Center must develop a collaborative relationship with other health care providers, insurers, managed care entities, the school health program, students and parents/guardians with the goal of reducing duplication of services, fragmentation of care or discontinuous care.

- a) The enrollment and registration processes must provide for effective collection of information regarding third-party billing resources and the identity of primary care providers. The Center may not deny access to care to students without insurance.

- b) At the point of initial contact and/or any subsequent contacts with the student/family, efforts must be made to obtain current information on whether the student is a member of an MCE and/or recipient of services provided through a school-based/linked health center. This may be accomplished in the following ways:

- 1) contact with the primary care physician;
- 2) a question appears on the application;
- 3) the service provider solicits the information from the student at the time of contact;
- 4) a copy of the Medical Assistance Program Card or other insurance card, is requested;
- 5) the parent is contacted (school or home visit);
- 6) the parent and/or child consent (child release vs. parental release) to the Center obtaining the information (see 410 ILCS 210/1, 2, 3 and 4);
- 7) written policies are on-site regarding parental consent for treatment for easy reference by Center staff;
- 8) the Illinois Department of Public Aid hotline (800-226-0768) may be contacted regarding assignment; the child's name, date of birth, address and Medical Assistance program number (if known) will be necessary in order for the hotline staff to make the determination of assignment.

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Section 2200.100 Data, Medical Record Keeping, Exchange and Confidentiality

a) The Center will develop a health record system that provides for consistency, confidentiality, storage and security of records for documenting significant student health information and the delivery of health care services. (See Problem-Oriented Medical Record System and Medical Record Management Guidance in Section 2200.50(c).)

1) The Center must maintain a single confidential medical record for each student receiving services. The medical record must be kept in a physically secure manner that protects it from unauthorized use.

2) The Center's health records must be maintained in a manner that is current, detailed, confidential and organized, and promotes effective student care.

3) The Center may separately maintain medical records needing a higher level of confidentiality, including, but not limited to, mental health, substance abuse, family planning and HIV testing records, provided that there is an effective cross referencing system. Access to such records must be restricted to authorized personnel.

4) The Center must have written policies that address exchange of health information verbally and/or faxed to insurers, managed care entities and the student's primary care physician.

5) The Center's health records must contain sufficient information to justify the diagnosis and treatment and to accurately document all health assessments and services provided to the student, including:

- A) a signed consent for treatment identifying services that may be provided in the Center;
- B) the student's name and ID number on each page in the record;
- C) personal/biographical data including address, home telephone, work phone for parent(s), type of insurance, managed care entity's name/telephone number and emergency contact;
- D) health care provider identification;
- E) dated entries;
- F) legible records (errors in charting shall have a single line drawn through, with the date and practitioner's initials written above);
- G) significant illnesses and medical conditions;
- H) medication allergies and adverse reactions prominently noted in the record; if no known allergies or history, note appropriately;
- I) appropriate notations concerning use of cigarettes, alcohol and illegal substances, and other high-risk behaviors;
- J) written history and physical documents with appropriate subjective and objective information for presenting complaints;

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K) laboratory and other studies ordered, as appropriate, with documented results/findings;

L) working diagnoses consistent with findings;

M) treatment plans consistent with diagnoses;

N) encounter forms or notes with specifics regarding referrals, release of information, follow-up care, calls or visits;

O) student's refusal of recommended treatment;

P) notation of unresolved problems from previous office visits addressed in subsequent visit;

Q) record of after-hours care (e.g., emergency room utilization);

R) if a consultation is requested, a note regarding the results of the consultation;

S) consultation, lab and imaging reports filed and initialed by primary care provider;

T) evidence that potential risk to the student from diagnostic or therapeutic procedure has been discussed and student's response;

U) evidence that preventive screening and education services are offered in accordance with the Center's or its sponsoring agencies' practice protocols;

V) a record of prescriptions obtained from and/or provided by the Center;

W) signed release of information forms, as appropriate, that are dated, identify what is to be released and to whom, and length of time consent covers and/or is valid;

X) restricted release information practices (i.e., family planning, STDs, substance abuse, mental health) conforming to federal governing laws. (See 325 ILCS 10/1, 410 ILCS 210/1, 2, 3, 4 and 5, 410 ILCS 70/5, 410 ILCS 305/9k, 410 ILCS 325/3, 405 ILCS 5/3-500-510.)

6) The Center will request information regarding previous health history at the time of enrollment to be included in the health record, including:

A) past medical and psychological history, including serious accidents, operations, illnesses, prenatal care, births, substance abuse and mental health needs;

B) immunization records.

7) Records shall not be removed from the Center.

b) The Center shall protect the confidentiality of student information and records in the following ways:

1) Written confidentiality policies and procedures shall be implemented to protect the student's and his/her family's right to privacy;

2) Students shall be afforded the opportunity to approve or refuse the release of identifiable personal information by the Center, except when such release is required by law; and

3) The Center's contracts with practitioners and health plans shall

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explicitly state expectations about the confidentiality of student information and records.

- c) The Center must implement procedures ensuring that cross-referencing of medical records within the medical record system is possible at all times.
- d) The Center shall ensure that its health records are compatible with the medical record system of its sponsoring provider agencies.
- e) The Center must lock and otherwise maintain records and copies of records in a secure manner that protects them from unauthorized use. The Center must have policies for identifying who shall have access to health records. The Center health records must be maintained separately from school records.

Section 2200.110 Care Coordination

- a) The Center shall develop collaborative relationships with other health care providers and insurers/managed care entities and have a written linkage agreement with MCEs whose enrollees are served by the school-based/linked health center. At a minimum, the agreement must include:
 - 1) outline of the services provided and the role of the Center;
 - 2) description of the processes and procedures for coordinating student care; and
 - 3) description of the mechanisms for exchanging key medical and outcomes information with the MCE and a student's primary care physician (PCP), while maintaining confidentiality, including:
 - A) written policies addressing student and/or parental consent to share student health care information in order to coordinate care with the MCE or PCP;
 - B) payment mechanism.
- b) Policies and procedures should be in place to assure communication and exchange of key medical data/information between the Center and a student's MCE and PCP to effectively coordinate care.
 - 1) Policies should describe how service and/or procedure duplications will be avoided (e.g., particular efforts to coordinate the provision of health maintenance and preventive care/testing).
 - 2) Procedures should describe how medical data/records are shared with the PCP and MCE, while adhering to confidentiality regulations.
 - 3) Processes should be in place to assure medical information is exchanged on an agreed upon schedule and on an as needed basis (i.e., monthly for routine visits/care and at the time of care, by phone or fax, for urgent or emergency situations).
 - 4) Procedures should be in place to allow immediate access to shared data in the case of emergencies or urgent situations.
 - 5) Policies should be developed and agreed to by both the Center and the MCE regarding the format and types of data to be exchanged in

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coordinating care.

- c) The Center must develop a systematic process for referring students to their assigned PCP for referral for specialist care when the Center is not able to provide the services required by the student.
 - 1) The Center should work with the MCE and PCP to develop a mechanism for linking referral information, student health care information and outcomes of the referral between the Center and PCP.
 - 2) The Center will document and provide the PCP with agreed-upon referral background information (e.g., reason for referral, onset of symptoms).
 - 3) The Center will develop procedures to document and share with the MCE/PCP outcomes of follow up care, where appropriate.
 - 4) MCE/PCP will develop a mechanism for sharing the outcomes of any referrals.
- d) The Center will work with the MCE and/or PCP in targeted outreach efforts (i.e., for services that the Center is able to provide).
 - 1) The Center will collaborate with the MCE in developing mechanisms to conduct outreach for the student population (e.g., immunizations, health education, prenatal care).
 - 2) The Center will develop procedures for collecting and sharing with the MCE/PCP information provided as a part of the outreach program (e.g., forwarding immunization data).
 - 3) The Center and the MCE/PCP will collaborate on evaluating outcome data.
- e) Each Center shall define its relationships with external organizations, designate staff responsibility for key functions, and appoint a primary contact to maintain open lines of communication with each organization. Key external agencies and organization may be:
 - 1) community agencies, including local health departments, mental health agencies and social service agencies; and
 - 2) health plans or community clinics.

Section 2200.120 Student Rights and Responsibilities

- a) The rights and responsibilities of enrolled students and their families will be clearly defined in a written statement and translated into the languages of the major population groups served. This written statement is provided to students and their families at the time of Center enrollment and is provided to all Center staff at the time of employment.
- b) The Center will demonstrate its commitment to treating students in a respectful manner through a written statement of principles that recognizes the following rights of enrolled students.
 - 1) Students have a right to receive information about the Center, its services, its practitioners and providers, and students' rights and responsibilities.
 - 2) Students have a right to be treated with respect, courtesy and a

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recognition of their right to privacy.

- 3) Students have a right to be told about their proposed treatment plans and to participate with practitioners in decision-making regarding their health care (including the right to refuse treatment).
- 4) Students have a right to voice complaints about the Center or the care provided, through an established system that ensures a prompt response.
- 5) Students have a right to review their written record.

c) The Center must have a written policy that addresses student responsibilities for cooperating with those providing health care services. The written policy addresses the following student responsibilities.

- 1) Students have a responsibility to provide, to the extent possible, accurate information that the Center staff requires in order to care for them.
- 2) Students have a responsibility to follow the plans and instructions for care that they have agreed upon with their practitioners.
- 3) Students have a responsibility to treat Center personnel with courtesy and respect.
- d) The Center must inform prospective and enrolled students and their families about services provided, access to services, charges and scheduling.
- e) Students and their families must be informed that benefits, services, notification and payments required by their insurer or MCE may differ from those of the Center.
- f) Students and their families must be provided a written statement that includes the following information:

- 1) The Center's policy on referrals for specialty care;
- 2) The provision for after-hour and emergency coverage;
- 3) The points of access for primary care, specialty care and hospital services;
- 4) Benefits and services that are included in the Center's services and how to obtain them, as well as how to access services not provided (e.g., PCP, MCE, additional health services);
- 5) Charges to enrolled students and families, if applicable, including policy on payment of charges and co-payments and fees for which the enrolled student is responsible;
- 6) Procedures for voicing complaints or grievances, and for recommending changes in policies and services; and
- 7) Procedure to obtain the names, qualifications and titles of the professionals providing or responsible for their care.

Section 2200.130 Quality Improvement Standards

The Center, in conjunction with the school district and/or MCE, will develop and implement a quality improvement program that monitors and evaluates the

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appropriateness, effectiveness and accessibility to the services it provides; the quality of services provided to the students; and the positive/negative health outcome effects.

- a) A quality improvement plan with clearly-defined goals, objectives and work plan will be established, approved by the appropriate governing body and reviewed annually.
- b) The quality improvement plan shall identify who is responsible for monitoring and evaluation and for the data management quarterly report. The quarterly report shall, at a minimum, provide the following information:

- 1) Number of students served (unduplicated)
- 2) Sex
- 3) Age
- 4) Race
- 5) Number of Center encounters
- 6) Year-to-date Center enrollment
- 7) Type of services rendered
- 8) Medical referrals and outcomes
- 9) Social Service referrals and outcomes
- 10) Delivery and outcome information (i.e., type of delivery, birth weight, Apgar scores and maternal and infant complications)
- 11) Dental referrals and outcomes.
- c) A copy of the quarterly report must be submitted to the Department within 30 days after the end of the quarter.
- d) A qualified individual will be designated as the person responsible for the implementation of each quality improvement plan.
- e) The Center must comply with the data collection requirements of outside regulatory agencies, as well as the insurers or MCEs of their students. This data will include but not be limited to the delivery of preventive health care services according to the EPSDT periodicity schedule; immunizations and prenatal care; decrease in absenteeism; inappropriate emergency room utilization; violence; increase in high school graduation; pregnancy; infant mortality; member satisfaction; and rates of student drop out. Outcome studies related to teen pregnancies, school attendance, substance use, STD rates, and repeat pregnancies also will be completed.
- f) Quality improvement efforts will be based on findings from the quality measurement activities. Corrective action plans will be required and implemented by the Department.
- g) Quality improvement activities shall be continuous.

Section 2200.140 Marketing and Community Outreach

The Center shall routinely publicize services to the student body and the community. Marketing methods may include:

- a) contacts during the school registration process;
- b) attendance at PTA meeting;
- c) mailings, notes sent home to parents and intercom announcements;

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- d) bulletin boards and posters;
- e) student newspapers and newsletters;
- f) workshop for teachers and other school staff;
- g) newspaper articles;
- h) community education offerings;
- i) flyers, posters;
- j) radio and TV announcements;
- k) videos;
- l) open house;
- m) contests; and
- n) Center newsletters.

Section 2200.150 Finance

The Center must operate under the budgetary requirements approved by the Department.

- a) The Center will maintain and adhere to all contracts for services with internal and external organizations and outside vendors.
- b) Management systems will be in place to maintain data reporting requirements and to enhance tracking of important student information.
- c) Billing procedures will conform to agreements established by contract with individual health plans, the Medicaid Program, health providers and the Department.
- d) Policies and procedures identifying mechanisms for data collection, data reporting, billing and payment between the Center and its contracted entities will be available.

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Adopted Action:
112.255 Repeal
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) Effective Date of Amendments: January 20, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 11, 1998 (22 Ill. Reg. 16135)
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: No changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an Emergency Rule currently in effect? Yes
- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.1	Amendment	22 Ill. Reg. 13286
112.9	Amendment	22 Ill. Reg. 13286
112.70	Amendment	22 Ill. Reg. 13286
112.72	Amendment	22 Ill. Reg. 13286
112.74	Amendment	22 Ill. Reg. 13286
112.78	Amendment	22 Ill. Reg. 13286
112.79	Amendment	22 Ill. Reg. 13286
112.80	Amendment	22 Ill. Reg. 13286

- 15) Summary and Purpose of Rule(s): A United States District Court has found 305 ILCS 5/11-30 unconstitutional. *Hicks v. Peters*, 98 C 3247. This provision limited new residents to Illinois to the benefit levels of their

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previous state for 12 months if the previous state's benefit level was lower than Illinois' benefit level for the comparable program. This rulemaking repeals the Section of the Department's rules which implemented 305 ILCS 5/11-30. Companion amendments are also being adopted in 89 Ill. Adm. Code 113 and 114.

- 16) Information and answers to questions regarding this amendment shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section		
112.1	Description of the Assistance Program	
112.2	Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education	
EMERGENCY		
112.5	Incorporation by Reference	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
EMERGENCY	
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Basis of Eligibility
112.61	Death of a Parent (Repealed)
112.62	Incapacity of a Parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
112.68	School Attendance Initiative
112.69	Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)

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112.74 Responsibility and Services Plan
 112.75 Teen Parent Personal Responsibility Plan (Repealed)
 112.76 TANF Orientation
 112.77 Reconciliation and Fair Hearings
 112.78 TANF Employment and Work Activities
 112.79 Sanctions
 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
 112.81 Responsible Relative Eligibility for JOBS (Repealed)
 112.82 Supportive Services
 112.83 Teen Parent Services
 112.84 Work Experience Evaluation Project (Repealed)
 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section
 112.86 Project Advance (Repealed)
 112.87 Project Advance Experimental and Control Groups (Repealed)
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.90 Project Advance Sanctions (Repealed)
 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
 112.93 Individuals Exempt From Project Advance (Repealed)
 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section
 112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income

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112.127 Lump-Sum Payments
 112.128 Protected Income (Repealed)
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Employed Applicants
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income from Work-Study and Training Programs
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels
 112.252 Payment Levels in Group I Counties
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 112.254 Payment Levels in Group III Counties
 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Reporting Requirements for Clients with Earnings
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers

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112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior to 8/22/96
 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country on or After 8/22/96
 112.309 Institutional Status
 112.310 Child Care for Representative Payees
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Child Care (Repealed)
 112.350 Child Care Eligibility (Repealed)
 112.352 Qualified Provider (Repealed)
 112.354 Notification of Available Services (Repealed)
 112.356 Participant Rights and Responsibilities (Repealed)
 112.358 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 112.362 Rates of Payment for Child Care (Repealed)
 112.364 Method of Providing Child Care (Repealed)
 112.366 Non-JOBS Education and Training Program (Repealed)
 112.370

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility (Repealed)
 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
 112.408 Qualified Child Care Providers (Repealed)
 112.410 Notification of Available Services (Repealed)
 112.412 Participant Rights and Responsibilities (Repealed)
 112.414 Child Care Overpayments and Recoveries (Repealed)
 112.416 Fees for Service for Transitional Child Care (Repealed)
 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

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SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October

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1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935,

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effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a

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maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 599, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1182, effective JAN 20 1999.

SUBPART H: PAYMENT AMOUNTS

Section 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

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if an applicant has moved to Illinois from another state and received financial assistance in that state under a program that is equivalent to the Illinois WAP program during any of the twelve months immediately preceding the date the applicant's current Illinois residency began during the first twelve months that the applicant resides in Illinois the applicant is eligible to receive assistance in an amount no greater than the amount of comparable assistance received from the other state.

(Source: Repealed at 23 Ill. Reg. 1682, effective JAN 20 1999)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Safety Regulations Relative to Mixing, Handling, Transportation, Storage and Use of Blasting Agents and Nitro-Carbo-Nitrates

2) Code Citation: 62 Ill. Adm. Code 120

<u>Section Number:</u>	<u>Adopted Action:</u>
120.10	Repeal
120.20	Repeal
120.30	Repeal
120.40	Repeal
120.50	Repeal
120.60	Repeal
120.70	Repeal
120.80	Repeal
120.90	Repeal
120.100	Repeal

4) Statutory Authority: Implementing and authorized by the Illinois Explosives Act [225 ILCS 210]

5) Effective Date of Repealer: January 21, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer is on file in the agency's principal office and is available for public inspection.

9) Notice of Repealer published in Illinois Register: 22 Ill. Reg. 18199 (October 16, 1998)

10) Has JCAR issued a Statement of Objection to these rules? No

11) Difference(s) between proposal and final version:

The Authority Note has been updated.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending of this Part? No

15) Summary and Purpose of Repealer: These rules implemented the 1939 Illinois Explosives Act, which has been substantially revised. The rules

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are outdated and inapplicable and are, therefore, being repealed.

16) Information and questions regarding this adopted repealer shall be directed to:

Cindy Bushur-Hallam, Legal Counsel
Department of Natural Resources
524 South Second Street
Springfield, IL 62701
(217)782-1809

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hazardous Waste Injection Restrictions

2) Code citation: 35 Ill. Adm. Code 738

3) Section Numbers: Adopted Action:
738.118 Amended

4) Statutory authority: 415 ILCS 5/13(c), 22.4, and 27.

5) Effective date of amendments: January 19, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference?

No. None of the existing text of Part 738 involved in this proceeding includes an incorporation by reference.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register:

October 16, 1998, 22 Ill. Reg. 18226

10) Has JCAR issued a Statement of Objections to these rules? No.

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

The following table indicates the revisions made to the text of the amendments since the Board's September 17, 1998 proposal for public comment:

738. Source Note	Added completed citation information for R97-21/R98- 3/R98-5
738.118(i)	Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

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NOTICE OF ADOPTED AMENDMENTS

Sections 13(c) and 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR staff suggested revisions to the text of the rules that the Board has incorporated into the text.

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of December 17, 1998, in Board docket number R98-21/R99-2/R99-7, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699
(July 14, 1997)

USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

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63 Fed. Reg. 45568
(August 28, 1997)

USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503
(December 5, 1997)

USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656
(December 8, 1997)

USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503
(April 15, 1998)

USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595
(May 4, 1998)

USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963
(May 6, 1998)

USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)

USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781
(June 19, 1998)

USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has previously taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

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63 Fed. Reg. 37782
(July 14, 1998)

USEPA removed three amendments from its May 6, 1998 direct final rule relating to used oil contaminated with PCBs.

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new listings for five additional hazardous wastes from the petroleum refining industry, along with land disposal restrictions (LDRs) for these wastes.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the May 4, 1998, organo- bromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

63 Fed. Reg. 54356
(October 9, 1998)

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)

USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394
(September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503
(December 5, 1997)

Clarification of when a treatment variance is available.

62 Fed. Reg. 64656
(December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.

63 Fed. Reg. 18503
(April 15, 1998)

Pulp and paper industry sector standards.

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- 63 Fed. Reg. 24595
(May 4, 1998)
63 Fed. Reg. 24963
(May 6, 1998)
63 Fed. Reg. 28555
(May 26, 1998)
63 Fed. Reg. 33781
(June 19, 1998)
63 Fed. Reg. 35147
(June 29, 1998)
63 Fed. Reg. 37782
(July 14, 1998)
63 Fed. Reg. 38756
(July 20, 1998)
63 Fed. Reg. 42109
(August 6, 1998)
63 Fed. Reg. 42580
(August 10, 1998)
63 Fed. Reg. 44146
(August 18, 1998)
63 Fed. Reg. 46331
(August 31, 1998)
63 Fed. Reg. 48124
(September 9, 1998)
63 Fed. Reg. 54356
(October 9, 1998)
- Organobromine chemicals waste rules.
Used oil mixtures rules for PCB-contaminated oils.
"Phase IV" land disposal restrictions.
Hazardous waste combustion rules.
Technical amendments to the organobromine waste rules.
Removal of three amendments from the May 6, 1998 direct final rule.
Correction to 40 C.F.R. 136.3(e), table.
New hazardous waste listings and land disposal restrictions for wastes from the petroleum refining industry.
Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.
Correction to 40 C.F.R. 136.3(e), table.
Technical amendments to the organobromine waste rules.
Extension of the Phase IV LDR compliance deadline.
Changed the compliance deadline for the August 6, 1998 rules.

Specifically, the amendments to Part 738 include segments of the federal May 4, 1998, organobromine waste rules, the May 26, 1998, Phase IV LDR amendments, and the corrections of June 29, 1998.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924
Request copies of the Board's opinion and order of December 17, Victoria Agyman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART 738

HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

- Section
738.101 Purpose Scope and Applicability
738.102 Definitions
738.103 Dilution Prohibited as a Substitute for Treatment
738.104 Case-by-Case Extensions of an Effective Date
738.105 Waste Analysis

SUBPART B: PROHIBITIONS ON INJECTION

- Section
738.110 Waste Specific Prohibitions - Solvent Wastes
738.111 Waste Specific Prohibitions - Dioxin-Containing Wastes
738.112 Waste Specific Prohibitions - California List Wastes
738.114 Waste Specific Prohibitions - First Third Wastes
738.115 Waste Specific Prohibitions - Second Third Wastes
738.116 Waste Specific Prohibitions - Third Third Wastes
738.117 Waste-Specific Prohibitions - Newly-Listed Wastes
738.118 Waste-Specific Prohibitions - Newly Listed and Identified Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

- Section
738.120 Petitions to Allow Injection of a Prohibited Waste
738.121 Required Information to Support Petitions
738.122 Submission, Review and Approval or Denial of Petitions
738.123 Review of Adjusted Standards
738.124 Termination of Adjusted Standards

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 238,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17486, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1693 = 7 effective JAN 21 1999.

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.118 Waste-Specific Prohibitions - Newly Listed and Identified Wastes

- a) All newly identified D004 through D011 wastes and characteristic mineral processing wastes, except those identified in subsection (b) of this Section, are prohibited from underground injection.
- b) Effective May 26, 2000, characteristic hazardous wastes from titanium dioxide mineral processing, and radioactive wastes mixed with newly identified D004 through D011 or mixed with newly identified characteristic mineral processing wastes, are prohibited from underground injection.
- c) ~~1~~ The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 are prohibited from underground injection.
- d) ~~2~~ Effective May 12, 1999, the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 that are mixed with radioactive wastes are prohibited from underground injection.
- e) ~~3~~ The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection:

K156
K157
K158
K159
K160
K161
K167
K127
K128
K185
K188
K189
K190
K191
K192
K194
K196
K197
K198
K199
K201
K202
K203

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P204
P205
U271
U277
U278
U279
U280
U364
U365
U366
U367
U372
U373
U375
U376
U377
U378
U379
U381
U382
U383
U384
U385
U386
U387
U389
U390
U391
U392
U393
U394
U395
U396
U400
U401
U402
U403
U404
U407
U409
U410
U411

~~1~~ ~~4~~ The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 is prohibited from underground injection.
~~g~~ ~~1~~ On April 8, 1998, the wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection:
D018

POLLUTION CONTROL BOARD

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D019
D020
D021
D022
D023
D024
D025
D026
D027
D028
D029
D030
D031
D032
D033
D034
D035
D036
D037
D038
D039
D040
D041
D042
D043

b) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K140, and in 35 Ill. Adm. Code 721.133(f) as USEPA hazardous waste number U408 are prohibited from underground injection. Effective February 8, 1999, the wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K169 through K172 are prohibited from underground injection.

i) The wastes specified in 35 Ill. Adm. Code 721.133(f) as USEPA hazardous waste number U408 are prohibited from underground injection. Effective February 8, 1999, the wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K169 through K172 are prohibited from underground injection.

B001
B002
B003

(Source: Amended 23 Ill. Reg. 1693 effective
JAN 21 1999)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720
- 3) Section Numbers: Adopted Action:
720.111 Amended
- 4) Statutory authority: 415 ILCS 5/22.4, and 27.
- 5) Effective date of amendments: January 19, 1999
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do these amendments contain incorporations by reference?
Yes. Section 720.111 is the central incorporation of all documents by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The text of Part 720 involved in this proceeding includes incorporations by reference. Some of the amendments in this proceeding affect the incorporations.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register:
October 16, 1998, 22 Ill. Reg. 18236
- 10) Has JCAR issued a Statement of Objections to these rules? No
Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version:
The following table indicates the revisions made to the text of the amendments since the Board's September 17, 1998 proposal for public comment:

720. Source Note	Added completed citation information for R97-21/R98- 3/R98-5
720.111(b)	Added incorporation of 40 CFR 268.41 (1990) for the purpose of the amendments from 63 Fed. Reg. 46331 (Aug. 31, 1998) omitted from the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 720.111(c) proposal
 Changed "U.S.C." to "USC" (three times);
 removed "Sections" reference
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Sections 13(c) and 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR staff suggested revisions to the text of the rules that the Board has incorporated into the text.

- 13) Will these amendments replace emergency amendments currently in effect?
 No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of December 17, 1998, in Board docket number R98-21/R99-2/R99-7, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

- R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.
- R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.
- R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

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- 62 Fed. Reg. 37699
 (July 14, 1997)
 USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.
- 62 Fed. Reg. 45568
 (August 28, 1997)
 USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.
- 62 Fed. Reg. 64503
 (December 5, 1997)
 USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.
- 62 Fed. Reg. 64656
 (December 8, 1997)
 USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).
- 63 Fed. Reg. 18503
 (April 15, 1998)
 USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.
- 63 Fed. Reg. 24595
 (May 4, 1998)
 USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.
- 63 Fed. Reg. 24963
 (May 6, 1998)
 USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.
- 63 Fed. Reg. 28555
 (May 26, 1998)
 USEPA adopted "Phase IV" land disposal restrictions.
- 63 Fed. Reg. 33781
 (June 19, 1998)
 USEPA partially adopted the hazardous waste combustion rules.
- 63 Fed. Reg. 35147
 (June 29, 1998)
 USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has previously taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the time frames of this consolidated docket, the Board is including additional federal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 37782
(July 14, 1998)

USEPA removed three amendments from its May 6, 1998 direct final rule relating to used oil contaminated with PCBs.

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new listings for five additional hazardous wastes from the petroleum refining industry, along with land disposal restrictions (LDRs) for these wastes.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

63 Fed. Reg. 54356
(October 9, 1998)

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)

USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394
(September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503
(December 5, 1997)

Clarification of when a treatment variance is available.

POLLUTION CONTROL BOARD

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62 Fed. Reg. 64656
(December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.
Pulp and paper industry sector standards.

63 Fed. Reg. 18503
(April 15, 1998)

Organobromine chemicals waste rules.

63 Fed. Reg. 24595
(May 4, 1998)

Used oil mixtures rules for PCB-contaminated oils.

63 Fed. Reg. 24963
(May 6, 1998)

"Phase IV" land disposal restrictions.

63 Fed. Reg. 28555
(May 26, 1998)

Hazardous waste combustion rules.

63 Fed. Reg. 33781
(June 19, 1998)

Technical amendments to the organobromine waste rules.

63 Fed. Reg. 35147
(June 29, 1998)

Removal of three amendments from the May 6, 1998 direct final rule.

63 Fed. Reg. 37782
(July 14, 1998)

Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 38756
(July 20, 1998)

New hazardous waste listings and land disposal restrictions for wastes from the petroleum refining industry.

63 Fed. Reg. 42580
(August 10, 1998)

Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.

63 Fed. Reg. 44146
(August 18, 1998)

Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the organobromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

Extension of the Phase IV LDR compliance deadline.

63 Fed. Reg. 54356
(October 9, 1998)

Changed the compliance deadline for the August 6, 1998 rules.

Specifically, the amendments to Part 720 update the incorporation of 40 CFR 136 by reference to reflect the federal actions of September 15, 1997, July 20, 1998, and August 18, 1998.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Request copies of the Board's opinion and order of December 17, 1998, from
Victoria Agyeman at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101 Purpose, Scope, and Applicability

720.102 Availability of Information; Confidentiality of Information

720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section

720.110 Definitions

720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120 Rulemaking

720.121 Alternative Equivalent Testing Methods

720.122 Waste Delisting

720.123 Petitions for Regulation as Universal Waste

720.130 Procedures for Solid Waste Determinations

720.131 Solid Waste Determinations

720.132 Boiler Determinations

720.133 Procedures for Determinations

720.140 Additional regulation of certain hazardous waste Recycling Activities
on a case-by-case Basis

720.141 Procedures for case-by-case regulation of hazardous waste Recycling
Activities

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the
Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17,
1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828,
effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct.
12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July
24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986;
amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in

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R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1104, effective

JAN 19 1999

SUBPART B: DEFINITIONS

Section 720.111 References

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 731, 733, 738, and 739:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

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"Catholic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

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ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995),

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and III (December, 1996) (Document Number 955-001-00000-1). NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP/02/85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guideline on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement), also set forth at 40 CFR 51, Appendix W).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes--A Guidance Manual, Second Edition", EPA/530-R-93-007, March, 1993. (Document Number PB 93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition,

POLLUTION CONTROL BOARD

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November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

OECD. Organization for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO[2] Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. DOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Talley Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

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"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

U.S. GSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1997)

40 CFR 51.100(ii) (1997)

40 CFR 51, Appendix W (1997)

40 CFR 52.741, Appendix B (1997)

40 CFR 60 (1997)

40 CFR 61, Subpart V (1997)

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- 40 CFR 63 (1997), as amended at 63 Fed. Reg. 18504 (Apr. 15, 1998)
- 40 CFR 136 (1997), as corrected at 63 Fed. Reg. 38756 (July 20, 1998) and 63 Fed. Reg. 44146 (Aug. 18, 1998) and amended at 62 Fed. Reg. 48394 (Sep. 15, 1997)
- 40 CFR 142 (1997)
- 40 CFR 220 (1997)
- 40 CFR 260.20 (1997)
- 40 CFR 264 (1997)
- 40 CFR 268.41 (1990)
- 40 CFR 268.Appendix IX (1997)
- 40 CFR 302.4, 302.5 and 302.6 (1997)
- 40 CFR 761 (1997)
- 49 CFR 171 (1997)
- 49 CFR 173 (1997)
- 49 CFR 178 (1997)

c) Federal Statutes

- Section 3004 of the Resource Conservation and Recovery Act (42 USC 8-S-E- 6901 et seq.), as amended through December 31, 1987.
- Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 8-S-E-Sections 321(v), 321(w) and 512(j)), as amended through October 25, 1994.
- Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 8-S-E- 1521(j)(1) (1997).

- d) This Section incorporates no later editions or amendments.

(Source: Amended JAN 19 1999 at 23 Ill. Reg. 1704, effective

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- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3) Section Numbers:
 721.102 Adopted Action:
 721.103 Amended
 721.104 Amended
 721.105 Amended
 721.106 Amended
 721.131 Amended
 721.132 Amended
 721.133 Amended
 721.138 Added
 721.App. G Amended
 721.App. H Amended
 721.App. Z Amended
- 4) Statutory Authority: 415 ILCS 5/22.4, and 27
- 5) Effective Date of Amendments: January 19, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 721 includes a number of documents incorporated by reference, none of those incorporations are amended by the present amendments.
- 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file at the Board's principal office and is available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: October 16, 1998, 22 Ill. Reg. 18250
- 10) Has JCAR issued a Statement of Objections to these rules? No. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version: The following table indicates the revisions made to the text of the amendments since the Board's September 17, 1998 proposal for public comment:

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721.Source Note	Added completed citation information for R97-21/R98-3/R98-5	
721.102(c)(1)(A)	Changed "Section 721.Appendix Z" to "Appendix Z of this Part"	721.104(a)(16)(C) Corrected "(a)(15)(D)" to "(a)(16)(D)"
721.102(c)(2)(A)	Changed "Section 721.Appendix Z" to "Appendix Z of this Part"	721.104(a)(16)(D)(i) Add conjunction "and" before last element of a series
721.102(c)(3)	Changed "Section 721.Appendix Z" to "Appendix Z of this Part" (twice)	721.104(b)(1)(B) Board Note Changed "U.S.C." to "USC"; removed "?"; changed indent level to entire subsection (b)(1)
721.102(c)(4)	Changed "Section 721.Appendix Z" to "Appendix Z of this Part"	721.105(e) Changed indent level of Board Note to entire subsection (e)
721.102(d)(2)(B)	Changed "Section 721.Appendix H" to "Appendix H of this Part"	721.105(j) Restored "if it is destined to be burned for energy recovery" (twice) as withdrawn in 63 Fed. Reg. 37780 (July 24, 1998)
721.102(d)(3)(A)(ii)	Changed "Section 721.Appendix H" to "Appendix H of this Part"	721.106(a)(3)(D)(iii) Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal
721.103(a)(2)(C)	Placed period inside closing parenthesis	
721.103(a)(2)(D)(iii)	Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal	721.106(a)(3)(E) Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal
721.103(a)(2)(E)	Changed "Section 721.Appendix H" to "Appendix H of this Part"	721.131(a) Changed "Section 721.Appendix I" to "Appendix I of this Part"; corrected first column heading to "USEPA hazardous waste number"; deleted unnecessary cross-reference to the F019 entry
721.103(d) footnote b to table	Changed "Section 721.Appendix H" to "Appendix H of this Part"	721.131(a) F037 Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal
721.103(e)(2)(B)	Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal	721.131(b)(2)(A)(i) Changed "6" to "six"
721.103(e)	Moved Board Note and changed indent level to entire subsection (e), adding "(e)" after "this subsection" and "to" before "enhance"	721.131(b)(2)(A)(ii) Changed "5" to "five"
721.104(a)(12)	Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal	721.131(b)(3) Added "the designated . . . as follows"
721.104(a)(18)	Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal	721.131(b)(3)(A) Added "For"
721.104(a)(19)	Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal	721.131(b)(3)(B) Added "For"
		721.132 Changed "Section 721.Appendix I" to "Appendix I of this Part"
		721.132 "K066" Board Note Changed "U.S.C." to "USC" (twice); removed "Section" symbol
		721.132 K169 Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal

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- 721.132 K170 Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal
- 721.132 K171 Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal
- 721.132 K172 Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal
- 721.133(e) "P122" Changed "%" to "percent"
- 721.138(a)(1)(A) Changed "BTU" to "Btu"
- 721.138(c)(1)(C) Changed indent level of Board Note to entire subsection (c)(1)(C)
- 721.138(c)(5)(A)(ii) Corrected cross-reference to "Section 721.106(c)"
- 721.138(d) table heading Changed "BTU" to "Btu"
- 721.138(b)(5) Changed "Section 721.Appendix H" to "Appendix H"
- 721.138(c) Used singular "subsection" (twice)
- 721.138(c)(1)(B)(v) Added "office"
- 721.138(c)(2) Used singular "subsection"; capitalized "State"
- 721.138(c)(7)(B)(viii) Used singular "supports"
- 721.138(c)(8) Changed indent level of note to subsection (c)(8)
- 721.138(c)(8)(A) Changed "Section 721.Appendix H" to "Appendix H of this Part"
- 721.138(c)(8)(D) Corrected "this paragraph" to "this subsection (c)(8)"; changed nonrestrictive relative clause to a restrictive relative clause by removing comma and using "that" in place of "which"; used "which" in place of "that" for succeeding restrictive relative clause
- 721.138(c)(8)(F) Corrected "their" to "its"

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- 721.138(c)(10)(H)(viii) Used singular "supports"
- 721.138(c)(13) Changed "Section 721.Appendix G" to "Appendix G of this Part"
- 721.Appendix Z Corrected cross-reference to [Section 721.104(a)(15)] in column headed "#3"
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR staff suggested revisions to the text of the rules that the Board has incorporated into the text.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 17, 1998, in Board docket number R98-21/R99-2/R99-7, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:
- R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.
- R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.
- R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

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62 Fed. Reg. 37699
(July 14, 1997)
USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568
(August 28, 1997)
USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503
(December 5, 1997)
USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656
(December 8, 1997)
USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503
(April 15, 1998)
USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595
(May 4, 1998)
USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963
(May 6, 1998)
USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)
USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781
(June 19, 1998)
USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has previously taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board

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dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 37782
(July 14, 1998)
USEPA removed three amendments from its May 6, 1998 direct final rule relating to used oil contaminated with PCBs.

63 Fed. Reg. 42109
(August 6, 1998)
USEPA adopted new listings for five additional hazardous wastes from the petroleum refining industry, along with land disposal restrictions (LDRs) for these wastes.

63 Fed. Reg. 42580
(August 10, 1998)
USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331
(August 31, 1998)
Technical amendments to the May 4, 1998, organo-bromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)
USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

63 Fed. Reg. 54356
(October 9, 1998)
USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)
USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

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- 63 Fed. Reg. 38756 (July 20, 1998) USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.
- 63 Fed. Reg. 44146 (August 18, 1998) USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.
- Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:
- 62 Fed. Reg. 48394 (September 15, 1997) Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.
- 62 Fed. Reg. 64503 (December 5, 1997) Clarification of when a treatment variance is available.
- 62 Fed. Reg. 64656 (December 8, 1997) Clarifying and corrective amendments to the Subpart CC rules.
- 63 Fed. Reg. 18503 (April 15, 1998) Pulp and paper industry sector standards.
- 63 Fed. Reg. 24595 (May 4, 1998) Organobromine chemicals waste rules.
- 63 Fed. Reg. 24963 (May 6, 1998) Used oil mixtures rules for PCB-contaminated oils.
- 63 Fed. Reg. 28555 (May 26, 1998) "Phase IV" land disposal restrictions.
- 63 Fed. Reg. 33781 (June 19, 1998) Hazardous waste combustion rules.
- 63 Fed. Reg. 35147 (June 29, 1998) Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 37782 (July 14, 1998) Removal of three amendments from the May 6, 1998 direct final rule.
- 63 Fed. Reg. 38756 (July 20, 1998) Correction to 40 C.F.R. 136.3(e), table.
- 63 Fed. Reg. 42109 (August 6, 1998) New hazardous waste listings and land disposal restrictions for wastes from the petroleum refining industry.

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- 63 Fed. Reg. 42580 (August 10, 1998) Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.
- 63 Fed. Reg. 44146 (August 18, 1998) Correction to 40 C.F.R. 136.3(e), table.
- 63 Fed. Reg. 46331 (August 31, 1998) Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 48124 (September 9, 1998) Extension of the Phase IV LDR compliance deadline.
- 63 Fed. Reg. 54356 (October 9, 1998) Changed the compliance deadline for the August 6, 1998 rules.
- Specifically, the amendments to Part 721 include segments of the federal April 15, 1998, pulp and paper industry rules, the May 4, 1998, organobromine waste rules, the May 6, 1998, used oil amendments, the May 26, 1998, Phase IV LDR amendments, and the June 19, 1998, hazardous waste combustion rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924
- Request copies of the Board's opinion and order of December 17, 1998, from Victoria Agyeman at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Quantity
721.101	Purpose of Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA
721.109	Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section	Criteria for Identifying the Characteristics of Hazardous Waste
721.110	
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General
721.130	
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

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721.135	Wood Preserving Wastes
721.138	Comparable or Syngas Fuel Exclusion

APPENDIX A Representative Sampling Methods

APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

APPENDIX C Chemical Analysis Test Methods

TABLE A Analytical Characteristics of Organic Chemicals (Repealed)

TABLE B Analytical Characteristics of Inorganic Species (Repealed)

TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)

APPENDIX G Basis for Listing Hazardous Wastes

APPENDIX H Hazardous Constituents

APPENDIX I Wastes Excluded by Administrative Action

TABLE A	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
TABLE B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources

TABLE C	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
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TABLE D Wastes Excluded by the Board by Adjusted Standard

APPENDIX J Method of Analysis of Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)

APPENDIX Z Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991;

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amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective **JAN 19 1999**.

Section 721.102 Definition of Solid Waste

- a) Solid waste.
 - 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
 - 2) A discarded material is any material that is:
 - A) Abandoned, as explained in subsection (b) of this Section;
 - B) Recycled, as explained in subsection (c) of this Section;
 - C) Considered inherently waste-like, as explained in subsection (d) of this Section; or
 - D) A military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.
- b) Materials are solid waste if they are abandoned by being:
 - 1) Disposed of; or
 - 2) Burned or incinerated; or
 - 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.
- c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (c)(1) through (c)(4) of this Section if they are:
 - 1) Used in a manner constituting disposal.
 - A) Materials noted with a "yes" in column 1 of the table in Section--721-Appendix Z of this Part are solid wastes when they are:
 - i) Applied to or placed on the land in a manner that constitutes disposal; or
 - ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

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- B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.
- 2) Burned for energy recovery.
 - A) Materials noted with a "yes" in column 2 of the table in Section--721-Appendix Z of this Part are solid wastes when they are:
 - i) Burned to recover energy;
 - ii) Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a solid waste);
 - iii) Contained in fuels (in which case the fuel itself remains a solid waste).
 - B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are themselves fuels.
- 3) Reclaimed. Materials noted with a "yes" in column 3 of the table in Section--721-Appendix Z of this Part are solid wastes when reclaimed (except as provided under Section 721.104(a)(15)). Materials noted with a "--" in column 3 of Appendix Z of this Part are not solid wastes when reclaimed (except as provided under Section 721.104(a)(15)).
- 4) Accumulated speculatively. Materials noted with "yes" in column 4 of the table in Appendix Z are solid wastes when accumulated speculatively.
 - d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
 - 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.
 - 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in Subpart C or D of this Part, except for brominated material that meets the following criteria:
 - A) The material must contain a bromine concentration of at least 45 percent;
 - B) The material must contain less than a total of one percent of toxic organic compounds listed in Section--721-Appendix H of this Part; and
 - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
- 3) The following criteria are used to add wastes to the list:
 - A) Disposal method or toxicity
 - i) The materials are ordinarily disposed of, burned, or incinerated; or
 - ii) The materials contain toxic constituents listed in Section--721-Appendix H of this Part and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are

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found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

B) The material may pose a substantial hazard to human health and the environment when recycled.

e) Materials that are not solid waste when recycled.

1) Materials are not solid wastes when they can be shown to be recycled by being:

A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or

B) Used or reused as effective substitutes for commercial products; or

C) In cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at Section 721.104(a)(15) apply rather than this provision. Returned to the original process from which they are generated without first being reclaimed, the materials must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed so there is no placement on the land.

2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C) of this Section):

A) Materials used in a manner constituting disposal or used to produce products that are applied to the land; or

B) Materials burned for energy recovery; used to produce a fuel, or contained in fuels; or

C) Materials accumulated speculatively; or

D) Materials listed in subsections (d)(1) and (d)(2) of this Section.

f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that raise a claim that a certain material is not solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person used the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the materials exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

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(Source: Amended at 23 Ill. Reg. 1718, effective
JAN 19 1995)

Section 721.103 Definition of Hazardous Waste

a) A solid waste, as defined in Section 721.102, is a hazardous waste if:

- 1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and

2) It meets any of the following criteria:

A) It exhibits any of the characteristics of hazardous waste identified in 721 Subpart C of this Part. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under Subpart C of this Part is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if the mixture continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

1) Except that any mixture of a waste from the extraction, beneficiation, or processing of ores or minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under 721 Subpart C is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture.

2) Further, for the purposes of applying the toxicity characteristic to such mixtures under subsection (a)(2)(A)(i) above, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred, or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

B) It is listed in 721 Subpart D of this Part and has not been

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excluded from the lists in 72i: Subpart D of this Part under 35 Ill. Adm. Code 720.120 and 720.122.

- C) It is a mixture of a solid waste and a hazardous waste that is listed in 72i: Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 72i: Subpart C of this Part, unless: the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C of this Part, or unless the solid waste is excluded from regulation under Section 721.104(b)(7) and the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C of this Part for which the hazardous waste listed in Subpart D of this Part was listed. (However, nonwastewater mixtures are still subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)

ii) the resultant mixture is no longer identified as a characteristic of hazardous waste identified in 72i: Subpart C of this Part.

iii) the solid waste is excluded from regulation under Section 721.104(b)(7) and the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 72i: Subpart C of this Part for which the hazardous waste listed in 72i: Subpart D was listed.

iv) Nonwastewater mixtures are still subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.

- D) It is a mixture of solid waste and one or more hazardous wastes listed in 72i: Subpart D of this Part and has not been excluded from this subsection (a)(2) under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in 72i: Subpart D of this Part are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) of this Section above) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities that have eliminated the discharge of wastewater) and:

- i) One or more of the following solvents listed in Section 721.131: carbon tetrachloride, tetrachloroethylene, trichloroethylene, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not

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exceed 1 part per million;

ii) One or more of the following spent solvents listed in Section 721.131: methylene chloride, chlorobenzene, 1,1,1-trichloroethane, cresols, cresylic acid, o-dichlorobenzene, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million;

iii) One of the following wastes listed in Section 721.132, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation: heat exchanger bundle cleaning sludge from the petroleum refining industry (USEPA hazardous waste no. K050), crude oil storage tank sediment from petroleum refining operations (USEPA hazardous waste number K169), clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations (USEPA hazardous waste number K170), spent hydrotreating catalyst (USEPA hazardous waste number K171), and spent hydrorefining catalyst (USEPA hazardous waste number K172);

iv) A discarded commercial chemical product or chemical intermediate listed in Section 721.133 arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing;

v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in 72i: Subpart D of this Part, provided that the annualized average flow of laboratory wastewater does not exceed one percent of

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total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or provided that the wastes' combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation;

vi) One or more of the following wastes listed in Section 721.132: wastewaters from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K157), provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered i.e., what is discharged or volatilized), divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or

vii) Wastewaters derived from the treatment of one or more of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter.

E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 721 Subpart D of this Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, incorporated by reference at 35 Ill. Adm. Code 720.111, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 721-Appendix H of this Part).

i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins if they are processed through a tolling arrangement as described in 35 Ill. Adm. Code 739.124(c) to reclaim metalworking oils or fluids. The

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presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

b) A solid waste that is not excluded from regulation under subsection (a)(1) of this Section above becomes a hazardous waste when any of the following events occur:

1) In the case of a waste listed in 721- Subpart D of this Part, when the waste first meets the listing description set forth in 721- Subpart D of this Part.

2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in 721- Subpart D of this Part is first added to the solid waste.

3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in 721- Subpart C of this Part.

c) Unless and until it meets the criteria of subsection (d) of this Section below, a hazardous waste will remain a hazardous waste.

BOARD NOTE: This subsection corresponds with 40 CFR 261.3(c)(1). The Board has codified 40 CFR 261.3(c)(2) at subsection (e) of this Section below.

d) Any solid waste described in subsection (c) of this Section above is not a hazardous waste if it meets the following criteria:

1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in 721- Subpart C of this Part. (However, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)

2) In the case of a waste that is a listed waste under 721- Subpart D of this Part, a waste that contains a waste listed under 721- Subpart D of this Part, or a waste that is derived from a waste listed in 721- Subpart D of this Part, it also has been excluded from subsection (c) of this Section above under 35 Ill. Adm. Code 720.120 and 720.122.

e) Specific inclusions and exclusions.

1) Except as otherwise provided in subsection (e)(2) of this Section below, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that

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are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

- 2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste unless they exhibit one or more of the characteristic of hazardous waste:

A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

B) Wastes from burning any of the materials exempted from regulation by any of Section 721.106(a)(3)(C) and through (a)(3)(D).

C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062, or F006 waste in the units identified in this subsection that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces, smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces), and other furnaces designated by the Agency pursuant to that definition.

i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes.

ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are:

Constituent	Maximum for any single composite sample (mg/L)
Generic exclusion levels for K061 and K062 nonwastewater HTMR residues.	

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Antimony.....	0.10
Arsenic.....	0.50
Barium.....	7.6
Beryllium.....	0.010
Cadmium.....	0.050
Chromium (total).....	0.33
Lead.....	0.15
Mercury.....	0.009
Nickel.....	1.0
Selenium.....	0.16
Silver.....	0.30
Thallium.....	0.020
Vanadium.....	1.26
Zinc.....	70

Generic exclusion levels for F006 nonwastewater HTMR residues

Antimony.....	0.10
Arsenic.....	0.50
Barium.....	7.6
Beryllium.....	0.010
Cadmium.....	0.050
Chromium (total).....	0.33
Cyanide (total) (mg/kg).....	1.8
Lead.....	0.15
Mercury.....	0.009
Nickel.....	1.0
Selenium.....	0.16
Silver.....	0.30
Thallium.....	0.020
Zinc.....	70

iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or the state agency authorized to implement 40 CFR 268 requirements) for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such

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notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the nonhazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

BOARD NOTE:---This subsection would normally correspond with 40 CFR 261.3(e), a subsection which has been deleted and marked "reserved" by USEPA.---Rather, this subsection corresponds with 40 CFR 261.3(e)(2), which the Board codified here to comport with codification requirements and enhance clarity.

D) Biological treatment sludge from the treatment of one of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K156) and wastewaters from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K157).

E) Catalyst inert support media separated from one of the following wastes listed in Section 721.132: spent hydrotreating catalyst (USEPA hazardous waste number K171) and spent hydrorefining catalyst (USEPA hazardous waste number K172).

BOARD NOTE: This subsection would normally correspond with 40 CFR 261.3(e), a subsection which has been deleted and marked "reserved" by USEPA. Rather, this subsection corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and enhance clarity.

f) Notwithstanding subsections (a) through (e) of this Section above and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at 721 Subpart C of this Part, the following materials are not subject to regulation under 35 Ill.

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Adm. Code 720, 721 to 726, 728, or 730:

- 1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in 35 Ill. Adm. Code 728.102(f); persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or
- 2) Debris as defined in 35 Ill. Adm. Code 728.102 that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

(Source: Amended at 23 Ill. Reg. 1718, effective JAN 19 1995)

Section 721.104 Exclusions

a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
- 2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.
BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
- 3) Irrigation return flows.
- 4) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).
- 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
- 6) Pulp liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).
- 7) Spent sulfuric acid used to produce virgin sulfuric acid unless it is accumulated speculatively, as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:

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- A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
- B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
- C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
- D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
- A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose; and
- B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and-
- C) Wood preserving solutions described in subsection (a)(9)(A) and (a)(9)(B) of this Section, so long as they meet all of the following conditions:
- i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;
 - ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;
 - iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;
 - iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in 35 Ill. Adm. Code 725.Subpart W, regardless of whether the plan generates a total of less than 100 kg/month of hazardous waste; and
 - v) Prior to operating pursuant to this exclusion, the plant owner or operator submits a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that

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document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency shall reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that violations are not likely to recur. If the Agency denies an application, it shall transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

- 10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.
- 11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- 12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows: Recovered oil--from--petroleum--refining; exploration--and--production--and--from--transportation--incident thereto--that--is--to--be--inserted--into--the--petroleum--refining process--(312-Code-2311) at or before a point (other than direct insertion--into--a--coker)--where--contaminants--are--removed--this exclusion applies to recovered oil stored or transported prior to insertion; except that the oil must not be stored in a manner involving placement on the land--and--the--oil--must--not--be accumulated speculatively before being recycled; Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining; exploration--and--production; and from transportation practices. Recovered oil--includes--oil--that--is--recovered--from--refinery wastewater collection and treatment systems; oil--recovered--from--oil--and--gas--drilling--operations; and oil--recovered--from--wastes

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- removed from crude oil storage tanks--Recovered oil--does not include--among other things--oil-bearing hazardous waste listed in Subpart B of this Part (e.g. 7-K046--through--K0527--P0377--and P0307)--However, oil recovered from such wastes may be considered recovered oil---Recovered oil also does not include used oil as defined in 35 Ill. Adm. Code 739.100.
- A) Oil-bearing hazardous secondary materials (i.e., sludges, byproducts, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B) of this Section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D of this Part, are designated as USPPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.
- B) Recovered oils that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A) of this Section. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5175, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D of this Part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.
- 13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.
- 14) Shredded circuit boards being recycled, provided that they meet the following conditions:
- A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and
- B) The circuit boards are free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.
- 15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.
- 16) Secondary materials (i.e., sludges, by-products, and spent materials as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing, provided that:
- A) The secondary material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;
- B) The secondary material is not accumulated speculatively;
- C) Except as provided in subsection (a)(16)(D) of this Section, the secondary material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the secondary material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate which may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed and operated to prevent significant releases to the environment of these materials.
- D) The Agency shall allow by permit that solid mineral processing secondary materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the secondary material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for

- removed from crude oil storage tanks--Recovered oil--does not include--among other things--oil-bearing hazardous waste listed in Subpart B of this Part (e.g. 7-K046--through--K0527--P0377--and P0307)--However, oil recovered from such wastes may be considered recovered oil---Recovered oil also does not include used oil as defined in 35 Ill. Adm. Code 739.100.
- A) Oil-bearing hazardous secondary materials (i.e., sludges, byproducts, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B) of this Section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D of this Part, are designated as USPPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.
- B) Recovered oils that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A) of this Section. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5175, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D of this Part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.
- 13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.
- 14) Shredded circuit boards being recycled, provided that they meet the following conditions:
- A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and
- B) The circuit boards are free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.
- 15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.
- 16) Secondary materials (i.e., sludges, by-products, and spent materials as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing, provided that:
- A) The secondary material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;
- B) The secondary material is not accumulated speculatively;
- C) Except as provided in subsection (a)(16)(D) of this Section, the secondary material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the secondary material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate which may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed and operated to prevent significant releases to the environment of these materials.
- D) The Agency shall allow by permit that solid mineral processing secondary materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the secondary material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for

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exclusion.

i) The Agency shall also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the secondary material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing secondary material; they must be capable of withstanding physical stresses associated with placement and removal; they must have run on/runoff controls; they must be operated in a manner which controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

iii) Before making a determination under this subsection (a)(16)(D), the Agency shall provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See 35 Ill. Adm. Code 703.Subpart D for the RCRA Subtitle C permit public notice requirements.

E) The owner or operator provides a notice to the Agency, identifying the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

F) For purposes of subsection (b)(7) of this Section, mineral processing secondary materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

17) Comparable fuels or comparable syngas fuels (i.e., comparable or

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syngas fuels) that meet the requirements of Section 721.138.

18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:

A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste code D018);

B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, byproducts, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in Section 721.101(c).

b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
 - i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

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- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C of this Part until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

- A) The growing and harvesting of agricultural crops, or
 B) The raising of animals, including animal manures.
 3) Mining overburden returned to the mine site.
 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

- 6) Chromium wastes:

- A) Wastes that fail the test for the toxicity characteristic (Sections 721.124 and Section 721.124 Appendix B) because chromium is present or which are listed in Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
 ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

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- iii) The waste is typically and frequently managed in non-oxidizing environments.

- B) Specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:

- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
 ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
 iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;
 iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
 v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
 vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;
 vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
 viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

- A) For purposes of this subsection (b)(7), beneficiation of

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ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting [or autoclaving or chlorination] and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

- i) A) Slag from primary copper processing;
- ii) B) Slag from primary lead processing;
- iii) C) Red and brown muds from bauxite refining;
- iv) D) Phosphogypsum from phosphoric acid production;
- v) E) Slag from elemental phosphorus production;
- vi) F) Gasifier ash from coal gasification;
- vii) G) Process wastewater from coal gasification;
- viii) H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- ix) I) Slag tailings from primary copper processing;
- x) J) Fluorogypsum from hydrofluoric acid production;
- xi) K) Process wastewater from hydrofluoric acid production;
- xii) L) Air pollution control dust or sludge from iron blast furnaces;
- xiii) M) Iron blast furnace slag;
- xiv) N) Treated residue from roasting and leaching of chrome ore;
- xv) O) Process wastewater from primary magnesium processing by the anhydrous process;
- xvi) P) Process wastewater from phosphoric acid production;
- xvii) Q) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
- xviii) R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- xix) S) Chloride processing waste solids from titanium tetrachloride production; and
- xx) T) Slag from primary zinc production.

C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials remains excluded under this subsection (b) if the following

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conditions are fulfilled:

- i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials; and
 - ii) The owner or operator legitimately reclaims the secondary mineral processing materials.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) This subsection corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that uses chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- 13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:
- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
 - B) Hot-draining and crushing;
 - C) Dismantling and hot-draining; or
 - D) Any other equivalent hot-draining method that will remove used oil.
- 14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705, and 722 through 725, and 728 or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw

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materials.

d) Samples.

1) Except as provided in subsection (d)(2) of this Section, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing;
- B) The sample is being transported back to the sample collector after testing;
- C) The sample is being stored by the sample collector before transport to a laboratory for testing;
- D) The sample is being stored in a laboratory before testing;
- E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
- F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

- A) Comply with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
- B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the samples:
 - i) Assume that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
 - ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.

e) Treatability study samples.

- 1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code

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721 through 723 or to the notification requirements of section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector;
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study. The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:
 - A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated wastestream;

B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste;

C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.

1) The transportation of each sample shipment complies with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) of this Section, or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completion of

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the treatability study:

- i) Copies of the shipping documents;
- ii) A copy of the contract with the facility conducting the treatability study;

iii) Documentation showing: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

- F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.

- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste:

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The generator or sample collector shall apply to the Agency and provide in

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writing the following information:

- i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

- iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
- v) Such other information as the Agency determines is necessary.

4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media

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contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

- A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
- B) The date the shipment was received;
- C) The quantity of waste accepted;
- D) The quantity of "as received" waste in storage each day;
- E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
- F) The date the treatability study was concluded;
- G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability

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study.

9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

- A) The name, address, and USEPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;
 - F) When each treatability study was conducted; and
 - G) The final disposition of residues and unused sample from each treatability study.
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702.703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.
- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 23 Ill. Reg. 1718, effective JAN 19 1999)

Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

- a) A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.
- b) Except for those wastes identified in subsections (e), (f), (g) and (j) of this Section, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702.703, 705 and 722 through 726 and 728, and the notification requirements of section 3010 of Resource Conservation and Recovery Act, provided the generator complies with the requirements of subsections (f), (g) and (j) of this Section.
- c) When making the quantity determinations of this Part and 35 Ill. Adm. Code 722, the generator must include all hazardous waste that it generates, except the following hazardous waste:

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- 1) Hazardous waste that is except from regulation under Section 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
 - 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
 - 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Section 721.106(c)(2);
 - 4) Hazardous waste that is used oil managed under the requirements of Section 721.106(a)(4) and 35 Ill. Adm. Code 739;
 - 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of 35 Ill. Adm. Code 726.Subpart G; and
 - 6) Hazardous waste that is universal waste managed under Section 721.109 and 35 Ill. Adm. Code 733.
- d) In determining the quantity of hazardous waste it generates, a generator need not include:
- 1) Hazardous waste when it is removed from on-site storage; or
 - 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or
 - 3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.
- e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of section 3010 of the Resource Conservation and Recovery Act:
- 1) A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e); or
 - 2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e).
- BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1000 kg of non-acute hazardous waste in a calendar month.
- f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) of this Section to be excluded from full regulation under this Section, the generator must comply with the following requirements:
- 1) 35 Ill. Adm. Code 722.111.
 - 2) The generator may accumulate acute hazardous waste on-site. If the generator accumulates at any time acute hazardous wastes in

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- quantities greater than set forth in subsection (e)(1) or (e)(2) of this Section, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the applicable notification requirements of section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.
- 3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:
 - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
 - B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
 - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;
 - D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or 40 CFR 258;
 - E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;
- BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (f)(3)(D) and (f)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.
- F) The facility is one that:
- i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
 - ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
- G) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.

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- g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111;
- 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726 and 728, and the applicable notification requirements of section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;
- 3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:
 - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
 - B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
 - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA under 40 CFR 271 (1986);
 - D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or 40 CFR 258;
 - E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;

BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (g)(3)(D) and (g)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small

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- quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

- F) The facility is one that:
- i) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
 - ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation; or
- G) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.
- h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.
- i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.
- j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Source: Amended at 23 Ill. Reg. 1718, effective JAN 19 1999)

Section 721.106 Requirements for Recyclable Materials

- a) Recyclable materials:
- 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) of this Section, except for the materials listed in subsections (a)(2) and (a)(3) of this Section. Hazardous wastes that are recycled will be known as "recyclable materials".
 - 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.
 - A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
 - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O (35 Ill. Adm. Code

POLLUTION CONTROL BOARD

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- 726.Subpart H);
- C) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
- D) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703, or 705 and are not subject to the notification requirements of section 3010 of the Resource Conservation and Recovery Act:
- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:
- i) A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157; shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in 35 Ill. Adm. Code 722.Subpart E; and shall provide a copy of the USEPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;
- ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgment of Consent, shall ensure that a copy of the USEPA Acknowledgment of Consent accompanies the shipment, and shall ensure that is is delivered to the facility designated by the person initiating the shipment;
- B) Scrap metal that is not excluded under Section 721.104(a)(13);
- C) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));
- D) Petroleum refining wastes.
- i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the

POLLUTION CONTROL BOARD

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- used oil specification under 35 Ill. Adm. Code 739.111 726-i40fe7 and so long as no other hazardous wastes are used to produce the hazardous waste fuel;
- ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 739.111 726-i40fe7; and
- iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 739.111 726-i40fe7; and
- B) Petroleum-coke--produced--from-petroleum-refinery-hazardous wastes-containing-oil-by-the-same-person-that-generated--the wastes-unless-the-resulting-coke-product-exceeds-one-or-more of-the-characteristics-of-hazardous-waste-in-Subpart-E:
- 4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.
- 5) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in Section 722.158(a)(1), for the purpose of recovery is subject to the requirements of 35 Ill. Adm. Code 722.Subpart H if it is subject to either the hazardous waste manifesting requirements of 35 Ill. Adm. Code 722 or the universal waste management standards of 35 Ill. Adm. Code 733.
- b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section.
- c) Storage and recycling:
- 1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; 724.Subparts A through L, AA, BB, and CC; and 725.Subparts A through L, AA, BB, and CC; 726; 728; and the notification

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requirement under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section. (The recycling process itself is exempt from regulation, except as provided in subsection (d) of this Section.)

- 2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) of this Section:

- A) Notification requirements under section 3010 of the Resource Conservation and Recovery Act,
 B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies), and
 C) Subsection (d) of this Section.

- d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units that recycle hazardous wastes are subject to 35 Ill. Adm. Code 724. Subparts AA and BB and 725. Subparts AA and BB.

(Source: Amended at 23 Ill. Reg. 1718, effective JAN 19 1999)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.131 Hazardous Wastes From Nonspecific Sources

- a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Section-721-Appendix I of this Part.

Industry and Hazardous Waste Hazard Code

USEPA
Hazardous
Waste No.
F001

The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still bottoms from the recovery of these spent solvents and solvent mixtures.

The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane; all spent solvent mixtures and

F002

(T)

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Industry and Hazardous Waste

USEPA
Hazardous
Waste No.

Hazard Code

blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F005

(I, T)

Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

See-Below

F006

(T)

F019

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
F007	Spent cyanide plating bath solutions from electroplating operations.	(R, T)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	(R, T)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	(R, T)
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	(R, T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	(R, T)
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.	(T)
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2, 4, 5-trichlorophenol.)	(H)
F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.	(H)
F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra- or hexachlorobenzenes under alkaline conditions.	(H)
F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant,	(H)

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NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
F024	chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.) Process wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts and wastes listed in this Section or Section 721.132.)	(T)
F025	Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.	(T)
F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzene under alkaline conditions.	(H)
F027	Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component).	(H)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027.	(T)
F032	Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic	(T)

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NOTICE OF ADOPTED AMENDMENTS

Industry and Hazardous Waste

USEPA
Hazardous
Waste No.

Hazard Code

formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

F034 (T)

Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

F035 (T)

Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

F037 (T)

Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in subsection (b)(2), below, (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or

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Industry and Hazardous Waste

USEPA
Hazardous
Waste No.

Hazard Code

recycling oil-bearing hazardous secondary materials excluded under Section 721.104(a)(12)(A) if those residuals are to be disposed of.

F038 (T)

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge--Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b)(2), below (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048 and K051 wastes are not included in this listing.

F039 (T)

Leachate (liquids which have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste number(s): F020, F021, F022, F026, F027 or F028.)

(Board Note: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.)

b) Listing specific definitions.

1) For the purpose of the F037 and F038 listings, oil/water/solids is defined as oil or water or solids.

2) For the purposes of the F037 and F038 listings:

A) Aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated

POLLUTION CONTROL BOARD

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biological oxidation of wastewaters; or, high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and:

- i) The units employ a minimum of six 6 horsepower per million gallons of treatment volume; and either
- ii) The hydraulic retention time of the unit is no longer than five 5 days; or
- iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.

B) Generators and treatment, storage or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities shall maintain, in their operating or other on site records, documents and data sufficient to prove that:

- i) The unit is an aggressive biological treatment unit as defined in this subsection; and
- ii) The sludges ought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.

3) Time of generation. For the purposes of the designated waste, the time of generation is as follows:

A) For ~~the~~ F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

B) For ~~the~~ F038 listing:

- i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and
- ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

(Source: Amended JAN 19 1983 23 Ill. Reg. 1718, effective

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Section-721-Appendix I of this Part.

USEPA BPA
Hazardous
Waste No.

Industry and Hazardous Waste

Hazard Code

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USEPA BPA
Hazardous
Waste No.

Industry and Hazardous Waste

Hazard Code

Wood Preservation:

K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol. (T)

Inorganic Pigments:

K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments. (T)

K003 Wastewater treatment sludge from the production of molybdate orange pigments. (T)

K004 Wastewater treatment sludge from the production of zinc yellow pigments. (T)

K005 Wastewater treatment sludge from the production of chrome green pigments. (T)

K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). (T)

K007 Wastewater treatment sludge from the production of iron blue pigments. (T)

K008 Oven residue from the production of chrome oxide green pigments. (T)

Organic Chemicals:

K009 Distillation bottoms from the production of acetaldehyde from ethylene. (T)

K010 Distillation side cuts from the production of acetaldehyde from ethylene. (T)

K011 Bottom stream from the wastewater stripper in the production of acrylonitrile. (R,T)

K013 Bottom stream from the acetonitrile column in the production of acrylonitrile. (T)

K014 Bottoms from the acetonitrile purification column in the production of acrylonitrile. (T)

K015 Still bottoms from the distillation of benzyl chloride. (T)

K016 Heavy ends or distillation residues from the production of carbon tetrachloride. (T)

K017 Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (T)

K018 Heavy ends from the fractionation column in ethyl chloride production. (T)

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USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)

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USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K140	Floor sweepings, off-specification product and spent filter media from the production of 2,4,6-tribromophenol.	(T)

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- K156 Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
- K157 Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
- K158 Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
- K159 Organics from the treatment of thiocarbamate wastes. (T)
- K161 Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.) (R,T)
- Inorganic Chemicals:
- K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)
- K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)
- K106 Wastewater treatment sludge from the mercury cell process in chlorine production. (T)
- Pesticides:
- K031 By-product salts generated in the production of MSMA and cacodylic acid. (T)
- K032 Wastewater treatment sludge from the production of chlordane. (T)
- K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (T)

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- K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (T)
- K097 Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (T)
- K035 Wastewater treatment sludges generated in the production of cresote. (T)
- K036 Still bottoms from toluene reclamation distillation in the production of disulfoton. (T)
- K037 Wastewater treatment sludges from the production of disulfoton. (T)
- K038 Wastewater from the washing and stripping of phorate production. (T)
- K039 Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (T)
- K040 Wastewater treatment sludge from the production of phorate. (T)
- K041 Wastewater treatment sludge from the production of toxaphene. (T)
- K098 Untreated process wastewater from the production of toxaphene. (T)
- K042 Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (T)
- K043 2,6-Dichlorophenol waste from the production of 2,4-D. (T)
- K099 Untreated wastewater from the production of 2,4-D. (T)
- K123 Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts. (T)
- K124 Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C,T)
- K125 Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts. (T)
- K126 Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts. (T)
- K131 Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide. (C,T)

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USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
	Explosives:	
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
	Petroleum Refining:	
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (lead) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I,T)
K172	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I,T)

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USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	Iron and Steel:	
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
	Primary Copper:	
K064	Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
	Primary Lead:	
K065	Surface impoundments solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)
	Primary Zinc:	
K066	Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.	(T)
BOARD NOTE: This waste listing is the subject of a judicial remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990). The Board intends that this listing not become enforceable in Illinois until the first date upon which the Board RCRA program becomes "not equivalent to the Federal program", within the meaning of section 3006(b) of the RCRA Act, 42 USC 6926(b), the Board RCRA rules become "less stringent" than the USEPA rules, as this phrase is used in section 3009, 42 USC 6929, or the Board RCRA rules are not "identical in substance" with the federal rules as that term is intended by 415 ILCS 5/7.2 and 22.4 as a result of some action by USEPA with regard to this listing in response to the American Mining Congress remand.		
	Primary Aluminum:	

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USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K088	Spent potliners from primary aluminum reduction.	(T)
	Ferroalloys:	
K090	Emission control dust or sludge from ferrochromium/silicon production.	(T)
K091	Emission control dust or sludge from ferrochromium production.	(T)
	Secondary Lead:	
K069	Emission control dust/sludge from secondary lead smelting.	(T)
	BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.	
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
	Veterinary Pharmaceuticals:	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
	Ink Formulation:	
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dryers, soaps and stabilizers containing chromium and lead.	(T)
	Coking:	

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USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)
K148	Residues from coal tar distillation, including but not limited to, still bottoms.	(T)
K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha (or methyl-) chlorinated toluenes, and ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)

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(Source: Amended 9 1990) 23 Ill. Reg. 1718-2-3 effective

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Containers Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in Section 721.102(a)(2)(A), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

- Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section.
- Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.
- Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section, unless the container is empty as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed, or being accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

- Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section, or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water, of any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance that is manufactured or formulated for commercial

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or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f) of this Section. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f) of this Section, such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

- The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) of this Section, are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding USEPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound only is listed for acute toxicity.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H[3]AsO[4]
P012	1327-53-3	Arsenic oxide As[2]O[3]
P011	1303-28-2	Arsenic oxide As[2]O[5]
P011	1303-28-2	Arsenic pentoxide

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha,alpha-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3percent
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-6	2-Butanone,
P021	592-01-8	3,3-dimethyl-1-(methylthio)-, O-[methylamino]carbonyl oxime
P021	592-01-8	Calcium cyanide
P189	55285-14-8	Calcium cyanide Ca(CN)[2] Carbamic acid, [(dibutylamino)- thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P202	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DPP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Di-methanonaphthalene, 1,2,3,4,10,10-
P060	465-73-6	hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5alpha, 8alpha, 8beta)-
P037	60-57-1	1,4,5,8-Di-methanonaphthalene, 1,2,3,4,10,10-
		hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5beta, 8beta, 8beta)-
		2,7:3,6-Dimethanonaphth[2,3-b]oxirane, 3,4,5,6,9,9-
		hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta,2aalpha, 3beta, 6beta, 6aalpha, 7beta, 7aalpha)-

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN)[2]
P075	54-11-5*	Nicotine, and salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO[2]
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO[4], (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane- 2,3-dicaboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio))-, methylcarbamate
P048	51-28-5	Phenol, 2,4-dinitro-
P047	534-52-1*	Phenol, 2-methyl-4,6- dinitro-, and salts
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P200	88-85-7	Phenol, 2-(1- methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, 4-nitrophenyl ester

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-
P094	298-02-2	[2-(ethylthio)ethyl] ester Phosphorodithioic acid, O,O-diethyl S-
P044	60-51-5	[(ethylthio)methyl] ester Phosphorodithioic acid, O,O-dimethyl S-[2-
P043	55-91-4	(methylamino)-2-oxoethyl]ester Phosphorofluoridic acid, bis(1- methylethyl)ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl
P040	297-97-2	O-(4-nitrophenyl) ester Phosphorothioic acid, O,O-diethyl
P097	52-85-7	O-pyrazinyl ester Phosphorothioic acid, O-[4-(dimethylamino)sulfonyl]phenyl]
P071	298-00-0	O,O-dimethyl ester Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino) carbonyl]oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate- (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	54-11-5*	Pyridine, 3-(1-methyl-2-

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NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P204	57-47-6	pyrrolidinyl)-, (S)-and salts Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a- hexahydro-1,3a,8-trimethyl-, methyl- carbamate (ester), (3aS-cis)- Selenious acid, dithallium (1+) salt Selenourea Silver cyanide AgCN Silver cyanide AgCN Sodium azide Sodium cyanide Sodium cyanide NaCN Strychnidin-10-one, and salts Strychnidin-10-one, 2,3-dimethoxy- Strychnine and salts Sulfuric acid, dithallium (1+) salt Tetraethylthiopyrophosphate Tetraethyl lead Tetraethylpyrophosphate Tetranitromethane (R) Tetraphosphoric acid, hexaethyl ester Thallic oxide Thallium oxide Tl ₂ O[3] Thallium (I) selenite Thallium (I) sulfate Thiodiphosphoric acid, tetraethyl ester Thiofanox Thioimidodicarbonic diamide [(H ₂) N(C(S)) ₂] 2NH Thiophenol Thiosemicarbazide Thiourea, (2-chlorophenyl)- Thiourea, 1-naphthalenyl- Thiourea, phenyl- Toxaphene Tirpate Trichloromethanethiol Vanadic acid, ammonium salt Vanadium oxide V ₂ O[5] Vanadium pentoxide Vinylamine, N-methyl-N-nitroso- Warfarin, and salts, when present at
P104	12039-52-0	
P103	630-10-4	
P104	506-64-9	
P104	506-64-9	
P105	26628-22-8	
P106	143-33-9	
P106	143-33-9	
P108	57-24-9*	
P108	357-57-3	
P108	57-24-9*	
P115	7446-18-6	
P109	3689-24-5	
P110	78-00-2	
P111	107-49-3	
P112	509-14-8	
P062	757-58-4	
P113	1314-32-5	
P113	1314-32-5	
P114	12039-52-0	
P115	7446-18-6	
P109	3689-24-5	
P045	39196-18-4	
P049	541-53-7	
P014	108-98-5	
P116	79-19-6	
P026	5344-82-1	
P072	86-88-4	
P093	103-85-5	
P123	8001-35-2	
P195	26419-73-8	
P118	75-70-7	
P119	7803-55-6	
P120	1314-62-1	
P120	1314-62-1	
P084	4549-40-0	
P001	81-81-2*	

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NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	concentrations	greater	than
P121	557-21-1	Zinc cyanide	0.3percent		
P121	557-21-1	Zinc cyanide Zn(CN)[2]			
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-			
P122	1314-84-7	Zinc phosphide Zn[3P[2], when present at concentrations greater than 10 percent (R,T)			
P205	137-30-4	Ziram			

Board Note: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d) of this Section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding USEPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U394	30558-43-1	A2213
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium (1+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone

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NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U005	53-96-3	2-Acethylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a] indole-4,7-dione, 6-amino-8-[[[aminocarbonyl oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a -methoxy-5-methyl-, [1a-S-(1aalpha, 8beta, 8alpha, 8balpha)]- Barban
U280	101-27-9	Barban
U278	22781-23-3	Bendiocarb
U364	22961-82-6	Bendiocarb phenol
U271	17804-35-2	Benomyl
U157	56-49-5	Benz[<i>j</i>]aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz(c)acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3	Benz[<i>a</i>]anthracene
U094	57-97-6	Benz[<i>a</i>]anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis [N,N-dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, methylenebis[2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzenamine (I,T)

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NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U038	510-15-6	Benzenoacetic acid, 4-chloro-alpha- (4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenobutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene) bis[4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R,T)
U239	1330-20-7	Benzene, dimethyl- (I,T)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro- (I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-chloro-

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NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-methoxy- Benzene, (trichloromethyl)- Benzene, 1,3,5-trinitro- Benzidene 1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts 1,3-Benzodioxole, 5-(2-propenyl)- 1,3-Benzodioxole, 5-(1-propenyl)- 1,3-Benzodioxole, 5-propyl- 1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate 1,3-Benzodioxol-4-ol, 2,2-dimethyl- 7-Benzofuranol, 2,3-dihydro-2,2-di- methyl- Benzo[<i>rst</i>]pentaphene 2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1- phenylbutyl)-, and salts, when present at concentrations of 0.3percent or less
U022	50-32-8	Benzo[<i>a</i>]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzotrichloride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro- [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy- [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl- Bromoform 4-Bromophenyl phenyl ether 1,3-Butadiene, 1,1,2,3,4,4-hexachloro- 1-Butanamine, N-butyl-N-nitroso- 1-Butanol (I) 2-Butanone (I,T) 2-Butanone, peroxide (R,T) 2-Butenal 2-Butene, 1,4-dichloro- (I,T)
U091	119-90-4	
U095	119-93-7	
U225	75-25-2	
U030	101-55-3	
U128	87-68-3	
U172	924-16-3	
U031	71-36-3	
U159	78-93-3	
U160	1338-23-4	
U053	4170-30-3	
U074	764-41-0	

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NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1- methoxyethyl)-3-methyl-1-oxobutoxy]methyl]- -2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[α lpha(2), 7(2S*,3R*), 7aalpha]]- n-Butyl alcohol (I) Cacodylic acid Calcium chromate Carbamic acid, 1H-benzimidazol-2-yl, methyl ester Carbamic acid, [1-[(butylamino)- carbonyl]-1H-benzimidazol-2-yl]-, methyl ester Carbamic acid, (3-chlorophenyl)-, 4- chloro-2-butenyl ester Carbamic acid, ethyl ester Carbamic acid, methylnitroso-, ethyl ester Carbamic acid, phenyl-, 1-methylethyl ester Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)]bis-, dimethyl ester Carbamic chloride, dimethyl- Carbamodithioic acid, 1,2- ethanediylbis-, salts and esters Carbamothioic acid, bis(1-methylethyl)-, S-(2,3- dichloro-2-propenyl) ester Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-trichloro-2-propenyl) ester Carbamothioic acid, dipropyl-, S- (phenylmethyl) ester Carbaryl Carbendazim Carbofuran phenol Carbonic acid, dithallium (1+) salt Carbonic difluoride Carbonochloridic acid, methyl ester (I,T) Carbon oxyfluoride (R,T) Carbon tetrachloride
U031	71-36-3	
U136	75-60-5	
U032	13765-19-0	
U372	10605-21-7	
U271	17804-35-2	
U280	101-27-9	
U238	51-79-6	
U178	615-53-2	
U373	122-42-9	
U409	23564-05-8	
U097	79-44-7	
U114	P 111-54-6	
U062	2303-16-4	
U389	2303-17-5	
U387	52888-80-9	
U279	63-25-2	
U372	10605-21-7	
U367	1563-38-8	
U215	6533-73-9	
U033	353-50-4	
U156	79-22-1	
U033	353-50-4	
U211	56-23-5	

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NOTICE OF ADOPTED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha and gamma isomers
U026	494-03-1	Chlornaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U050	218-01-9	Chrysene
U051		Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide CNBr
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene,
		1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	p 94-75-7	2,4-D, salts and esters
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U214	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U395	5952-26-1	Diethylene glycol, dicarbamate
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydroisoflavan
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha,
		alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propyl nitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U404	121-44-8	Ethanamine, N,N-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane,
U117	60-29-7	1,1'-[methylenebis(oxy)]bis[2-chloro-
U025	111-44-4	Ethane, 1,1'-oxybis- (I)
U184	76-01-7	Ethane, 1,1'-oxybis[2-chloro-
U208	630-20-6	Ethane, pentachloro-
U209	79-34-5	Ethane, 1,1,1,2-tetrachloro-
U218	62-55-5	Ethane, 1,1,2,2-tetrachloro-
U226	71-55-6	Ethanethioamide
U227	79-00-5	Ethane, 1,1,1-trichloro-
U410	59669-26-0	Ethane, 1,1,2-trichloro-
U394	30558-43-1	Ethanimidiothioic acid, N,N'-[thiobis-[(methylimino)carbonyloxy]] bis-, dimethyl ester
U359	110-80-5	Ethanimidiothioic acid, 2-(dimethyl- amino)-N-hydroxy-2-oxo-, methyl ester
U173	1116-54-7	Ethanol, 2-ethoxy-
U395	5952-26-1	Ethanol, 2,2'-(nitrosoimino)bis-
U004	98-86-2	Ethanol, 2,2'-oxybis-, dicarbamate
U043	75-01-4	Ethanone, 1-phenyl-
U042	110-75-8	Ethene, chloro-
U078	75-35-4	Ethene, (2-chloroethoxy)-
U079	156-60-5	Ethene, 1,1-dichloro-
U210	127-18-4	Ethene, 1,2-dichloro-, (E)-
U228	79-01-6	Ethene, tetrachloro-
U112	141-78-6	Ethene, trichloro-
U113	140-88-5	Ethyl acetate (I)
U238	51-79-6	Ethyl acrylate (I)
U117	60-29-7	Ethyl carbamate (urethane)
U114	P 111-54-6	Ethyl ether
U067	106-93-4	Ethylenebisdithiocarbamic acid, salts and esters
U077	107-06-2	Ethylene dibromide
U359	110-80-5	Ethylene dichloride
U115	75-21-8	Ethylene glycol monoethyl ether
U116	96-45-7	Ethylene oxide (I,T)
U076	75-34-3	Ethylenethiourea
U118	97-63-2	Ethylidene dichloride
U119	62-50-0	Ethyl methacrylate
U120	206-44-0	Ethyl methanesulfonate
		Fluoranthene

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro- (I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2- (3-methyl-3-nitrosoureido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[[methylnitrosoamino)- carbonyl]amino]-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine,
U127	118-74-1	N-methyl-N'-nitro-N-nitroso-
U128	87-68-3	Hexachlorobenzene
U130	77-47-4	Hexachlorobutadiene
U131	67-72-1	Hexachlorocyclopentadiene
U132	70-30-4	Hexachloroethane
U243	1888-71-7	Hexachlorophene
U133	302-01-2	Hexachloropropene
U086	1615-80-1	Hydrazine (R,T)
U098	57-14-7	Hydrazine, 1,2-diethyl-
U099	540-73-8	Hydrazine, 1,1-dimethyl-
U109	122-66-7	Hydrazine, 1,2-dimethyl-
U134	7664-39-3	Hydrazine, 1,2-diphenyl-
U144	7664-39-3	Hydrofluoric acid (C,T)
U135	7783-06-4	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U096	80-15-9	Hydrogen sulfide H[2]S
U116	96-45-7	Hydroperoxide,
U137	193-39-5	1-methyl-1-phenylethyl- (R)
U130	85-44-9	2-Imidazolidinethione
U140	78-83-1	Indeno[1,2,3-cd]pyrene
U141	120-58-1	1,3-Isobenzofuranone
U142	143-50-0	Isobutyl alcohol (I,T)
U143	303-34-4	Isosafrole
U144	301-04-2	Kepone
U146	1335-32-6	Lasiocarpene
U145	7446-27-7	Lead acetate
U146	1335-32-6	Lead, bis(aceto-O)tetrahydroxytri-
		Lead phosphate
		Lead subacetate

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one,
U247	72-43-5	1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydr
U154	67-56-1	Methoxychlor
U029	74-83-9	Methyl alcohol (I)
U186	504-60-9	Methyl bromide
U045	74-87-3	1-Methylbutadiene (I)
U156	79-22-1	Methyl chloride (I,T)
U226	71-55-6	Methyl chloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexapyranosyl]oxyl]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthaleneamine
U165	91-20-3	N,N'-bis(2-chloroethyl)-Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-1,1'-biphenyl)-4,4'-diyl]bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium (1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U126	765-34-4	Oxiranecarboxyaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl- 1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol,
U411	114-26-1	2,2'-methylenebis[3,4,6-trichloro- phenol, 2-(1-methylethoxy)-, methyl- carbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine,
U145	7446-27-7	4-[bis(2-chloroethyl)amino]- phosphoric acid, lead (2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorus sulfide (R)
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,1'-oxybis[2-chloro-
See F027	93-72-1	propanoic acid, 2-(2,4,5- trichlorophenoxy)-
U193	1120-71-4	1,3-Propane sultone
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-01	2-Propanamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propam
U411	114-26-1	Propoxur
See F027	93-72-1	Propionic acid, 2-(2,4,5-trichlorophenoxy)-
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U387	52888-80-9	Prosulfocarb
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinone, 5-bis(2- chloroethyl)amino]-
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6- methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	P 81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide Ses[2] (R,T)

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,1'-oxybis[2-chloro-
See F027	93-72-1	propanoic acid, 2-(2,4,5- trichlorophenoxy)-
U193	1120-71-4	1,3-Propane sultone
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-01	2-Propanamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propam
U411	114-26-1	Propoxur
See F027	93-72-1	Propionic acid, 2-(2,4,5-trichlorophenoxy)-
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U387	52888-80-9	Prosulfocarb
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinone, 5-bis(2- chloroethyl)amino]-
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6- methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	P 81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide Ses[2] (R,T)

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U206	18893-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium (I) acetate
U215	6533-73-9	Thallium (I) carbonate
U216	7791-12-0	Thallium (I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium (I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide [(H2N)C(S)](2)[S2], tetramethyl-
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U408	118-79-6	2,4,6-Tribromophenol
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
U248	P 81-81-2	Warfarin, and salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-
U249	1314-84-7	[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-zinc phosphide Zn[3P[2], when present at concentrations of 10percent or less

(Source: Amended at 23 Ill. Reg. 1718-3, effective JAN 19 1999)

Section 721.138 Comparable or Syngas Fuel Exclusion

Wastes that meet the following comparable or syngas fuel requirements are not solid wastes:

a) Comparable fuel specifications.

1) Physical specifications.

A) Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).

B) Viscosity. The viscosity must not exceed: 50 cs, as-fired. Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table at subsection (d) of this Section.

b) Synthesis gas fuel specification. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:

1) It must have a minimum Btu value of 100 Btu/Scf;

2) It must contain less than 1 ppmv of total halogen;

3) It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);

4) It must contain less than 200 ppmv of hydrogen sulfide; and

5) It must contain less than 1 ppmv of each hazardous constituent in the target list of Appendix H constituents.

c) Implementation. Waste that meets the comparable or syngas fuel

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specifications provided by subsection (a) or (b) of this Section (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in subsection (c)(3) or (c)(4) of this Section) is excluded from the definition of solid waste provided that the following requirements are met:

1) Notices. For purposes of this Section, the person claiming and qualifying for the exclusion is called the comparable or syngas fuel generator and the person burning the comparable or syngas fuel is called the comparable or syngas burner. The person that generates the comparable fuel or syngas fuel must claim and certify to the exclusion.

A) Notice to the Agency.

i) The generator must submit a one-time notice to the Agency, certifying compliance with the conditions of the exclusion and providing documentation as required by subsection (c)(1)(A)(iii) of this Section;

ii) If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator shall specify at which sites the comparable or syngas fuel will be generated;

iii) A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subsection (c)(1)(C) of this Section.

B) Public notice. Prior to burning an excluded comparable or syngas fuel, the burner must publish in a major newspaper of general circulation local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Comparable or Syngas Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:

i) The name, address, and USEPA identification number of the generating facility;

ii) The name and address of the unit(s) that will burn the comparable or syngas fuel;

iii) A brief, general description of the manufacturing, treatment, or other process generating the comparable or syngas fuel;

iv) An estimate of the average and maximum monthly and annual quantity of the waste claimed to be excluded; and

v) The name and mailing address of the Agency office, to which the claim was submitted.

C) Required content of comparable or syngas notification to the Agency.

i) The name, address, and USEPA identification number of the person or facility claiming the exclusion;

ii) The applicable USEPA hazardous waste code(s) for the

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hazardous waste:

iii) The name and address of the units that meet the requirements of subsection (c)(2) of this Section which will burn the comparable or syngas fuel; and

iv) The following statement, signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138(c)(10) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections (c)(1)(C)(i) through (c)(1)(C)(iv) are derived from 40 CFR 261.138(c)(1)(i)(C)(1) and (c)(1)(i)(C)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

2) Burning. The comparable or syngas fuel exclusion for fuels that meet the requirements of subsection (a) or (b) and (c)(1) of this Section applies only if the fuel is burned in the following units that also shall be subject to federal, State, and local air emission requirements, including all applicable federal Clean Air Act (CAA) maximum achievable control technology (MACT) requirements:

A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;

B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:

i) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;

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- C) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O or applicable CAA MACT standards.
- 3) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:
- As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this Section;
 - The waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
 - The waste must not violate the dilution prohibition of subsection (c)(6) of this Section.
- 4) Treatment to meet the comparable fuel exclusion specifications.
- A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this Section provided the treatment fulfills the following requirements:
 - The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;
 - The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
 - The treatment does not violate the dilution prohibition of subsection (c)(6) of this Section.
- B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.
- 5) Generation of a syngas fuel.
- A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this Section provided the processing fulfills the following requirements:
 - The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;
 - The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 261.106(c); and
 - The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.

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- B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.
- 6) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a hazardous waste to meet the exclusion specifications of subsection (a)(1)(A), (a)(2) or (b) of this Section.
- 7) Waste analysis plans. The generator of a comparable or syngas fuel shall develop and follow a written waste analysis plan which describes the procedures for sampling and analysis of the hazardous waste to be excluded. The waste analysis plan shall be developed in accordance with the applicable sections of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846). The plan shall be followed and retained at the facility excluding the waste.
- At a minimum, the plan must specify the following:
 - The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;
 - The test methods which will be used to test for these parameters;
 - The sampling method which will be used to obtain a representative sample of the waste to be analyzed;
 - The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and
 - If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.
- B) The waste analysis plan must also contain records of the following:
- The dates and times waste samples were obtained, and the dates the samples were analyzed;
 - The names and qualifications of the person(s) who obtained the samples;
 - A description of the temporal and spatial locations of the samples;
 - The name and address of the laboratory facility at which analyses of the samples were performed;
 - A description of the analytical methods used, including any clean-up and sample preparation methods;
 - All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.); laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan

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which occurred;
 vii) All laboratory results demonstrating that the exclusion specifications have been met for the waste; and

viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request.

C) Syngas fuel generators shall submit for approval, prior to performing sampling, analysis, or any management of a syngas fuel as an excluded waste, a waste analysis plan containing the elements of subsection (c)(7)(A) of this Section to the appropriate regulatory authority. The approval of waste analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the waste analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.

8) Comparable fuel sampling and analysis.

A) General. For each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents on Appendix H of this Part, except those that the generator determines, based on testing or knowledge, should not be present in the waste. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents should not be present:

- i) A constituent that triggered the toxicity characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;
- ii) A constituent detected in previous analysis of the waste;
- iii) Constituents introduced into the process that generates the waste; or
- iv) Constituents that are byproducts or side reactions to the process that generates the waste.

Note to subsection (c)(8): Any claim under this Section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.

B) For each waste for which the exclusion is claimed where the

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generator of the comparable or syngas fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection (c)(8)(A) of this Section and must test to determine that all of the constituent specifications of subsections (a)(2) and (b) of this Section have been met. The comparable or syngas fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste to be eligible for exclusion, a generator must demonstrate the following:

i) That each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around the mean; and

ii) That the analysis could have detected the presence of the constituent at or below the specification level at the 95 percent upper confidence limit around the mean.

D) Nothing in this subsection (c)(8) preempts, overrides or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person that generates a solid waste to determine if that waste is a hazardous waste.

E) In an enforcement action, the burden of proof to establish conformance with its exclusion specification shall be on the generator claiming the exclusion.

F) The generator must conduct sampling and analysis in accordance with its waste analysis plan developed under subsection (c)(7) of this Section.

G) Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications must be analyzed as generated.

H) If a comparable fuel is blended in order to meet the kinematic viscosity specifications, the generator shall undertake the following actions:

- i) Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and
- ii) After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.

I) Excluded comparable or syngas fuel must be re-tested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties of the waste.

9) Speculative accumulation. Any persons handling a comparable or syngas fuel are subject to the speculative accumulation test under Section 721.102(c)(4).

10) Records. The generator must maintain records of the following

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information on-site:

- A) All information required to be submitted to the implementing authority as part of the notification of the claim:
- i) The owner or operator name, address, and RCRA facility USEPA identification number of the person claiming the exclusion;
 - ii) The applicable USEPA hazardous waste codes for each hazardous waste excluded as a fuel; and
 - iii) The certification signed by the person claiming the exclusion or his authorized representative;
- B) A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;
- C) An estimate of the average and maximum monthly and annual quantities of each waste claimed to be excluded;
- D) Documentation for any claim that a constituent is not present in the hazardous waste as required under subsection (c)(8)(A) of this Section;
- E) The results of all analyses and all detection limits achieved as required under subsection (c)(8) of this Section;
- F) If the excluded waste was generated through treatment or blending, documentation as required under subsection (c)(3) or (c)(4) of this Section;
- G) If the waste is to be shipped off-site, a certification from the burner as required under subsection (c)(12) of this Section;
- H) A waste analysis plan and the results of the sampling and analysis that include the following:
- i) The dates and times waste samples were obtained, and the dates the samples were analyzed;
 - ii) The names and qualifications of the person(s) that obtained the samples;
 - iii) A description of the temporal and spatial locations of the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any clean-up and sample preparation methods;
 - vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.); laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;
 - vii) All laboratory analytical results demonstrating that the exclusion specifications have been met for the

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waste; and

- viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request; and
- I) If the generator ships comparable or syngas fuel off-site for burning, the generator shall retain for each shipment the following information on-site:
- i) The name and address of the facility receiving the comparable or syngas fuel for burning;
 - ii) The quantity of comparable or syngas fuel shipped and delivered;
 - iii) The date of shipment or delivery;
 - iv) A cross-reference to the record of comparable or syngas fuel analysis or other information used to make the determination that the comparable or syngas fuel meets the specifications as required under subsection (c)(8) of this Section; and
 - v) A one-time certification by the burner as required under subsection (c)(12) of this Section.
- 11) Records retention. Records must be maintained for the period of three years. A generator shall maintain a current waste analysis plan during that three year period.
- 12) Burner certification. Prior to submitting a notification to the Agency, a comparable or syngas fuel generator that intends to ship their fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:
- A) A certification that the comparable or syngas fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under subsection (c)(2) of this Section;
 - B) Identification of the name and address of the units that will burn the comparable or syngas fuel; and
 - C) A certification that the state in which the burner is located is authorized to exclude wastes as comparable or syngas fuel under the provisions of this Section.
- 13) Ineligible waste codes. Wastes that are listed because of presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.
- d) Table of detection and detection limit values for comparable fuel specification:

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen As N	na	4900	
Total Halogens as Cl	na	540	
Total Organic Halogens as Cl	na	25 or individual halogenated organics listed below	
Polychlorinated biphenyls, total (Aroclors, total)(a)	1336-36-3	Non-detect	1.4
Cyanide, total	57-12-5	Non-detect	1.0
Metals:			
Antimony, total	7440-36-0	7.9	
Arsenic, total	7440-38-2	0.23	
Barium, total	7440-39-3	23	
Beryllium, total	7440-41-7	1.2	
Cadmium, total	7440-43-9	1.2	
Chromium, total	7440-47-3	2.3	
Cobalt	7440-48-4	4.6	
Lead, total	7439-92-1	31	
Manganese	7439-96-5	1.2	
Mercury, total	7439-97-6	0.24	
Nickel, total	7440-02-0	58	
Selenium, total	7782-49-2	0.15	
Silver, total	7440-22-4	2.3	
Thallium, total	7440-28-0	23	
Hydrocarbons:			
Benzof(a)anthracene	56-55-3	1100	
Benzene	71-43-2	4100	
Benzo(b)fluoranthene	205-99-2	960	
Benzo(k)fluoranthene	207-08-9	1900	
Benzo(a)pyrene	50-32-8	960	
Chrysene	218-01-9	1400	
Dibenzof(a,h)anthracene	53-70-3	960	
7,12-Dimethylbenz[a]- anthracene	57-97-6	1900	
Fluoranthene	206-44-0	1900	
Indeno(1,2,3-cd)pyrene	193-39-5	960	
3-Methylcholanthrene	56-49-5	1900	
Naphthalene	91-20-3	3200	
Toluene	108-88-3	36000	
Oxyaetes:			
Acetophenone	98-86-2	1900	
Acrolein	107-02-8	37	

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Allyl alcohol	107-18-6	30	
Bis(2-ethylhexyl)- phthalate [Di-2-ethyl- hexyl phthalate]	117-81-7	1900	
Butyl benzyl phthalate	85-68-7	1900	
o-Cresol [2-Methyl phenol]	95-48-7	220	
m-Cresol [3-Methyl phenol]	108-39-4	220	
p-Cresol [4-Methyl phenol]	106-44-5	220	
Di-n-butyl phthalate	84-74-2	1900	
Diethyl phthalate	84-66-2	1900	
2,4-Dimethylphenol	105-67-9	1900	
Dimethyl phthalate	131-11-3	1900	
Di-n-octyl phthalate	117-84-0	960	
Endothall	145-73-3	100	
Ethyl methacrylate	97-63-2	37	
2-Ethoxyethanol	110-80-5	100	
[Ethylene glycol monoethyl ether]			
Isobutyl alcohol	78-83-1	37	
Isosafrole	120-58-1	1900	
Methyl ethyl ketone [2- Butanone]	78-93-3	37	
Methyl methacrylate	80-62-6	37	
1,4-Naphthoquinone	130-15-4	1900	
Phenol	108-95-2	1900	
Propargyl alcohol [2- Propyn-1-ol]	107-19-7	30	
Safrole	94-59-7	1900	
Sulfonated Organics:			
Carbon disulfide	75-15-0	Non-detect	37
Disulfoton	298-04-4	Non-detect	1900
Ethyl methanesulfonate	62-50-0	Non-detect	1900
Methyl methane- sulfonate	66-27-3	Non-detect	1900
Phorate	298-02-2	Non-detect	1900
1,3-Propane sultone	1120-71-4	Non-detect	100
Tetraethyldithiopyro- phosphate [Sulfoteppl thiol]	3689-24-5	Non-detect	1900
Thiophenol (Benzene- thiol)	108-98-5	Non-detect	30

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
O,O,O-Triethyl phosphorothioate	126-68-1	Non-detect	1900
Nitrogenated Organics:			
Acetonitrile [Methyl cyanide]	75-05-8	Non-detect	37
2-Acetylaminofluorene [2-AAF]	53-96-3	Non-detect	1900
Acrylonitrile	107-13-1	Non-detect	37
4-Aminobiphenyl	92-67-1	Non-detect	1900
4-Aminopyridine	504-24-5	Non-detect	100
Aniline	62-53-3	Non-detect	1900
Benzidine	92-87-5	Non-detect	1900
Dibenz[a,h]acridine	224-42-0	Non-detect	1900
O,O-Diethyl O- pyrazinyl phosphoro- thioate [Thionazin]	297-97-2	Non-detect	1900
Dimethoate	60-51-5	Non-detect	1900
p-(Dimethylamino)azo- benzene [4-Dimethyl- aminoazobenzene]	60-11-7	Non-detect	1900
3,3'-Dimethylbenzidine	119-93-7	Non-detect	1900
a,a-Dimethylphenethyl- amine	122-09-8	Non-detect	1900
3,3'-Dimethoxy- benzidine	119-90-4	Non-detect	100
1,3-Dinitrobenzene [m- Dinitrobenzene]	98-65-0	Non-detect	1900
4,6-Dinitro-o-cresol	534-52-1	Non-detect	1900
2,4-Dinitrophenol	51-28-5	Non-detect	1900
2,4-Dinitrotoluene	121-14-2	Non-detect	1900
2,6-Dinitrotoluene	606-20-2	Non-detect	1900
Dinoseb [2-sec-Butyl- 4,6-dinitrophenol]	88-85-7	Non-detect	1900
Diphenylamine	122-39-4	Non-detect	1900
Ethyl carbamate [Urethane]	51-79-6	Non-detect	100
Ethylmethiourea (2- Imidazolidinethione)	96-45-7	Non-detect	110
Famphur	52-85-7	Non-detect	1900
Methacrylonitrile	126-98-7	Non-detect	37
Methapyrilene	91-80-5	Non-detect	1900
Methomyl	16752-77-5	Non-detect	57
2-Methylacetonitrile	75-86-5	Non-detect	100

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
[Acetone cyanohydrin]			
Methyl parathion	298-00-0	Non-detect	1900
MNNG (N-Methyl-N- nitroso-N'-nitro- guanidine)	70-25-7	Non-detect	110
1-Naphthylamine, [alpha- Naphthylamine]	134-32-7	Non-detect	1900
2-Naphthylamine, [beta- Naphthylamine]	91-59-8	Non-detect	1900
Nicotine	54-11-5	Non-detect	100
4-Nitroaniline, [p- Nitroaniline]	100-01-6	Non-detect	1900
Nitrobenzene	98-95-3	Non-detect	1900
p-Nitrophenol, [p- Nitrophenol]	100-02-7	Non-detect	1900
5-Nitro-o-toluidine	99-55-8	Non-detect	1900
N-Nitrosodi-n-butyl- amine	924-16-3	Non-detect	1900
N-Nitrosodiethylamine	55-18-5	Non-detect	1900
N-Nitrosodiphenyl- amine, [Diphenylnitros- amine]	86-30-6	Non-detect	1900
N-Nitroso-N-methyl- ethylamine	10595-95-6	Non-detect	1900
N-Nitrosomorpholine	59-89-2	Non-detect	1900
N-Nitrosopiperidine	100-75-4	Non-detect	1900
N-Nitrosopyrrolidine	930-55-2	Non-detect	1900
2-Nitropropane	79-46-9	Non-detect	30
Parathion	56-38-2	Non-detect	1900
Phenacetin	62-44-2	Non-detect	1900
1,4-Phenylenediamine, [p-Phenylenediamine]	106-50-3	Non-detect	1900
N-Phenylthiourea	103-85-5	Non-detect	57
2-Picoline [alpha- Picoline]	109-06-8	Non-detect	1900
Propylthiocarb [6- Propyl-2-thiouracil]	51-52-5	Non-detect	100
Pyridine	110-86-1	Non-detect	1900
Strychnine	57-24-9	Non-detect	1900
Thioacetamide	62-55-5	Non-detect	57
Thiofanox	39196-18-4	Non-detect	100
Thiourea	62-56-6	Non-detect	57
Toluene-2,4-diamine	95-80-7	Non-detect	57

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
[2,4-Diaminotoluene]			
Toluene-2,6-diamine	823-40-5	Non-detect	57
[2,6-Diaminotoluene]			
o-Toluidine	95-53-4	Non-detect	2200
p-Toluidine	106-49-0	Non-detect	100
1,3,5-Trinitrobenzene	99-35-4	Non-detect	2000
[sym-Trinitrobenzene]			
Halogenated Organics(b):			
Allyl chloride	107-05-1	Non-detect	37
Aramite	104-57-8	Non-detect	1900
Benzal chloride [Di-chloromethyl benzene]	98-87-3	Non-detect	100
Benzyl chloride	100-44-77	Non-detect	100
Bis(2-chloroethyl)ether	111-44-4	Non-detect	1900
[Dichloroethyl ether]			
Bromoform [Tribromo-methane]	75-25-2	Non-detect	37
Bromomethane [Methyl bromide]	74-83-9	Non-detect	37
4-Bromophenyl phenyl ether [p-Bromodiphenyl ether]	101-55-3	Non-detect	1900
Carbon tetrachloride	56-23-5	Non-detect	37
Chlordane	57-74-9	Non-detect	14
p-Chloroaniline	106-47-8	Non-detect	1900
Chlorobenzene	108-90-7	Non-detect	37
Chlorobenzilate	510-15-6	Non-detect	1900
p-Chloro-m-cresol	59-50-7	Non-detect	1900
2-Chloroethyl vinyl ether	110-75-8	Non-detect	37
Chloroform	67-66-3	Non-detect	37
Chloromethane [Methyl chloride]	74-87-3	Non-detect	37
2-Chlorophthalene	91-58-7	Non-detect	1900
[beta-Chlorophthalene]			
2-Chlorophenol [o-Chlorophenol]	95-57-8	Non-detect	1900
Chloroprene [2-Chloro-1,3-butadiene]	1126-99-8	Non-detect	37
2,4-D [2,4-Dichlorophenoxyacetic acid]	94-75-7	Non-detect	7.0
Diallylate	2303-16-4	Non-detect	1900
1,2-Dibromo-3-chloro-	96-12-8	Non-detect	37

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
propane			
1,2-Dichlorobenzene	95-50-1	Non-detect	1900
[o-Dichlorobenzene]			
1,3-Dichlorobenzene	541-73-1	Non-detect	1900
[m-Dichlorobenzene]			
1,4-Dichlorobenzene	106-46-7	Non-detect	1900
[p-Dichlorobenzene]			
3,3'-Dichlorobenzidine	91-94-1	Non-detect	1900
Dichlorodifluoro-methane [CFC-12]	75-71-8	Non-detect	37
1,2-Dichloroethane	107-06-2	Non-detect	37
[Ethylene dichloride]			
1,1-Dichloroethylene	75-35-4	Non-detect	37
[Vinylidene chloride]			
Dichloromethoxy ethane [Bis(2-chloro-ethoxy)methane]	111-91-1	Non-detect	1900
2,4-Dichlorophenol	120-83-2	Non-detect	1900
2,6-Dichlorophenol	87-65-0	Non-detect	1900
1,2-Dichloropropane	78-87-5	Non-detect	37
[Propylene dichloride]			
cis-1,3-Dichloro-propylene	10061-01-5	Non-detect	37
trans-1,3-Dichloro-propylene	10061-02-6	Non-detect	37
1,3-Dichloro-2-propanol	96-23-1	Non-detect	30
Endosulfan I	959-98-8	Non-detect	1.4
Endosulfan II	33213-65-9	Non-detect	1.4
Endrin	72-20-8	Non-detect	1.4
Endrin aldehyde	7421-93-4	Non-detect	1.4
Endrin Ketone	53494-70-5	Non-detect	1.4
Epichlorohydrin [1-Chloro-2,3-epoxy propane]	106-89-8	Non-detect	30
Ethylidene dichloride [1,1-Dichloroethane]	75-34-3	Non-detect	37
2-Fluoroacetamide	640-19-7	Non-detect	100
Heptachlor	76-44-8	Non-detect	1.4
Heptachlor epoxide	1024-57-3	Non-detect	2.8
Hexachlorobenzene	118-74-1	Non-detect	1900
Hexachloro-1,3-butadiene [Hexachlorobuta-	87-68-3	Non-detect	1900

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
diene]			
Hexachlorocyclopenta-	77-47-4	Non-detect	1900
diene			
Hexachloroethane	67-72-1	Non-detect	1900
Hexachlorophene	70-30-4	Non-detect	1000
Hexachloropropene	1888-71-7	Non-detect	1900
[Hexachloropropylene]			
Isodrin	465-73-6	Non-detect	1900
Kepon [Chlordecone]	143-50-0	Non-detect	3600
Lindane [gamma-Hexa- chlorocyclohexane]	58-89-9	Non-detect	1.4
[gamma-BHC]			
Methylene chloride	75-09-2	Non-detect	37
[Dichloromethane]			
4,4'-methylene-Bis(2- chloroaniline)	101-14-4	Non-detect	100
Methyl iodide [Iodo- methane]	74-88-4	Non-detect	37
Pentachlorobenzene	608-93-5	Non-detect	1900
Pentachloroethane	76-01-7	Non-detect	37
Pentachloronitro- benzene [PCNB]	82-68-8	Non-detect	1900
[Quintobenzene]			
[Quintozene]			
Pentachlorophenol	87-86-5	Non-detect	1900
Pronamide	23950-58-5	Non-detect	1900
Silvex [2,4,5-Tri- chlorophenoxy- propionic acid]	93-72-1	Non-detect	7.0
2,3,7,8-Tetrachloro- dibenzo-p-dioxin	1746-01-6	Non-detect	30
[2,3,7,8-TCDD]			
1,2,4,5-Tetrachloro- benzene	95-94-3	Non-detect	1900
1,1,2,2-Tetrachloro- ethane	79-34-5	Non-detect	37
Tetrachloroethylene [Perchloroethylene]	127-18-4	Non-detect	37
2,3,4,6-Tetrachloro- phenol	58-90-2	Non-detect	1900
1,2,4-Trichlorobenzene	120-82-1	Non-detect	1900
1,1,1-Trichloroethane [Methyl chloroform]	71-55-6	Non-detect	37

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
1,1,2-Trichloroethane [Vinyl trichloride]	79-00-5	Non-detect	37
Trichloroethylene	79-01-6	Non-detect	37
Trichlorofluoromethane [Trichloromonofluoro- methane]	75-69-4	Non-detect	37
2,4,5-Trichlorophenol	95-95-4	Non-detect	1900
2,4,6-Trichlorophenol	88-06-2	Non-detect	1900
1,2,3-Trichloropropane	96-18-4	Non-detect	37
Vinyl Chloride	75-01-4	Non-detect	37

(a) Absence of PCBs can also be demonstrated by using appropriate screening methods, e.g., immunoassay kit for PCB in oils (Method 4020) or colorimetric analysis for PCBs in oil (Method 9079).

(b) Some minimum required detection limits are above the total halogen limit of 540 ppm. The detection limits reflect what was achieved during USEPA testing and analysis and also analytical complexity associated with measuring all halogen compounds on Appendix H of this Part at low levels. USEPA stated that it recognizes that in practice the presence of these compounds will be functionally limited by the molecular weight and the total halogen limit of 540 ppm.

(Source: Added 1989 23 Ill. Reg. 1618, effective

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Section 721.APPENDIX G Basis for Listing Hazardous Wastes

USEPA/RCRA
hazardous
waste No.

Hazardous constituents for which listed

- F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
- F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
- F003 N.A.
- F004 Cresols and cresylic acid, nitrobenzene.
- F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.
- F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).
- F007 Cyanide (salts).
- F008 Cyanide (salts).
- F009 Cyanide (salts).
- F010 Cyanide (salts).
- F011 Cyanide (salts).
- F012 Cyanide (complexed).
- F019 Hexavalent chromium, cyanide (complexed).
- F020 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F021 Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
- F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans.
- F023 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F024 Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,2-trichloroethane, 1,1,2-tetrachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene,

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- F025 tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
- Chloromethane, dichloromethane, trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; trans-1,2-dichloroethylene; 1,2-dichloroethane; 1,1,1-trichloroethane; 1,1,2-trichloroethane; 1,1,2-tetrachloroethane; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; trichloroethylene; 1,1,2-trichloroethylene; 1,1,2-trichloroethane; 1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; allyl tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzenes; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.
- F026 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
- F027 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
- F028 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
- F032 Benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, pentachlorophenol, arsenic, chromium, tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins, tetra-, penta-, hexa-, heptachlorodibenzofurans.
- F034 Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene, arsenic chromium.
- F035 Arsenic, chromium and lead.
- F037 Benzene, benzo(a)pyrene, chrysene, lead, chromium.
- F038 Benzene, benzo(a)pyrene, chrysene, lead, chromium.
- F039 All constituents for which treatment standards are specified for multi-source leachate (wastewaters and non-wastewaters) under 35 Ill. Adm. Code 728. Table B (Constituent Concentrations in Waste).
- K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a) anthracene, dibenz(a)anthracene, acenaphthalene.
- K002 Hexavalent chromium, lead.

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Hazardous constituents for which listed

K003	Hexavalent chromium, lead.
K004	Hexavalent chromium.
K005	Hexavalent chromium, lead.
K006	Hexavalent chromium.
K007	Cyanide (complexed), hexavalent chromium.
K008	Hexavalent chromium.
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraaldehyde, formic acid.
K010	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraaldehyde, formic acid, chloroacetaldehyde.
K011	Acrylonitrile, acetonitrile, hydrocyanic acid.
K013	Hydrocyanic acid, acrylonitrile, acetonitrile.
K014	Acetonitrile, acrylamide.
K015	Benzyl chloride, chlorobenzene, toluene, benzotrichloride.
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
K017	Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(2-chloroethyl) ethers], trichloropropane, dichloropropanols.
K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
K019	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K021	Antimony, carbon tetrachloride, chloroform.
K022	Phenol, tars (polycyclic aromatic hydrocarbons).
K023	Phthalic anhydride, maleic anhydride.
K024	Phthalic anhydride, 1,4-naphthoquinone.
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene.
K026	Paraaldehyde, pyridines, 2-picoline.
K027	Toluene diisocyanate, toluene-2,4-diamine.
K028	1,1,1-trichloroethane, vinyl chloride.
K029	1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
K031	Arsenic.

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K032	Hexachlorocyclopentadiene.
K033	Hexachlorocyclopentadiene.
K034	Hexachlorocyclopentadiene.
K035	Creosote, chrysene, naphthalene, fluoranthene, benzo(b)pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
K036	Toluene, phosphorodithioic acid and phosphorothioic acid esters.
K037	Toluene, phosphorodithioic acid and phosphorothioic acid esters.
K038	Phorate, formaldehyde, phosphorodithioic acid and phosphorothioic acid esters.
K039	Phosphorodithioic acid and phosphorothioic acid esters.
K040	Phorate, formaldehyde, phosphorodithioic acid and phosphorothioic acid esters.
K041	Toxaphene.
K042	Hexachlorobenzene, ortho-dichlorobenzene.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044	N.A.
K045	N.A.
K046	Lead.
K047	N.A.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium, lead, cadmium.
K062	Hexavalent chromium, lead.
K064	Lead, cadmium.
K065	Lead, cadmium.
K066	Lead, cadmium.
K069	Hexavalent chromium, lead, cadmium.
K071	Mercury.
K073	Chloroform, carbon tetrachloride, trichloroethane, tetrachloroethylene, 1,1,2,2-tetrachloroethane.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084	Arsenic.
K085	Benzene, dichlorobenzenes, trichlorobenzenes, pentachlorobenzene, benzyl chloride.
K086	Lead, hexavalent chromium.
K087	Phenol, naphthalene.
K088	Cyanide (complexes).

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K090	Chromium.
K091	Chromium.
K093	Phthalic anhydride, maleic anhydride.
K094	Phthalic anhydride.
K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K096	1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K097	Chlordane, heptachlor.
K098	Toxaphene.
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100	Hexavalent chromium, lead, cadmium.
K101	Arsenic.
K102	Arsenic.
K103	Aniline, nitrobenzene, phenylenediamine.
K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
K106	Mercury.
K111	2,4-Dinitrotoluene.
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114	2,4-Toluenediamine, o-toluidine, p-toluidine.
K115	2,4-Toluenediamine.
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K117	Ethylene dibromide.
K118	Ethylene dibromide.
K123	Ethylene thiourea.
K124	Ethylene thiourea.
K125	Ethylene thiourea.
K126	Ethylene thiourea.
K131	Dimethyl sulfate, methyl bromide.
K132	Methyl bromide.
K136	Ethylene dibromide.
K140	2,4,6-Tribromophenol.
K141	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K142	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.

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Hazardous constituents for which listed

K143	Benzene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene.
K144	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene.
K145	Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h) anthracene, naphthalene.
K147	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene.
K148	Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene.
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.
K151	Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.
K156	Benomyl, carbaryl, carbendazim, carbofuran, carbosulfan, formaldehyde, methylene chloride, triethylamine.
K157	Carbon tetrachloride, formaldehyde, methyl chloride, methylene chloride, pyridine, triethylamine.
K158	Benomyl, carbendazim, carbofuran, carbosulfan, chloroform, methylene chloride.
K159	Benzene, butylate, EPTC, molinate, pebulate, vernolate.
K161	Antimony, arsenic, metam-sodium, ziram.
K169	Benzene.
K170	Benzo(a)pyrene, dibenz(a,h)anthracene, benzo (a) anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, 3-methylcholanthrene, 7,12-dimethylbenz(a)anthracene.
K171	Benzene, arsenic.
K172	Benzene, arsenic.

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity or reactivity.

(Source: Amended JAN 19 1998 23 Ill. Reg. 1718 ≡, effective)

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Section 721.APPENDIX H Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
A2213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluoren-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide,	591-08-2	P002
Acrolein	N-(aminothioxomethyl)-2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl] oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl]-oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8a-hexahydro-, 1-alpha, 4-alpha 4a-beta, 5-alpha, 8-alpha 8a-beta)-	309-00-2	P004
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	107-18-6	
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	[1,1'-Biphenyl]-4-amine	92-67-1	
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(aminomethyl)-	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Amitrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	U119
Aniline	Benzenamine	62-53-3	U012
Antimony	Same	7440-36-0	

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Antimony compounds, N.O.S. (not otherwise specified)	Sulfurous acid, 2-chloroethyl-, 2-{4-(1,1-dimethylethyl)phenoxy}-1-methylethyl ester	140-57-8	
Aramite	Arsenic	7440-38-2	
Arsenic	Arsenic acid H[3]AsO[4]	7778-39-4	P010
Arsenic compounds, N.O.S.	Arsenic oxide As[2]O[5]	1303-28-2	P011
Arsenic acid	Arsenic oxide As[2]O[3]	1327-53-3	P012
Arsenic pentoxide	Benzenamine, 4,4'-carbonimidoylbis(N, N-dimethyl-	492-80-8	U014
Arsenic trioxide	L-Serine, diazoacetate (ester)	115-02-6	U015
Auramine	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	101-27-9	U280
Azaserine	Same	7440-39-3	
Barban	Same	542-62-1	P013
Barium	1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate	22781-23-3	U278
Barium compounds, N.O.S.	1,3-Benzodioxol-4-ol-2,2-dimethyl-, 6	22961-82-6	U364
Barium cyanide	Carbamic acid, [1-(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester	17804-35-2	U271
Bendiocarb	Same	225-51-4	U016
Bendiocarb phenol	Same	56-55-3	U018
Benomyl	Benzene, (dichloromethyl)-	98-87-3	U017
	Same	71-43-2	U018
	Arsenic acid, phenyl-[1,1'-Biphenyl]-4,4'-diamine	98-05-5	
Benz[c]acridine	Same	92-87-5	U021
Benz[a]anthracene	Same	205-99-2	
Benzo[k]fluoranthene	Same	205-82-3	
Benzo[a]pyrene	Same	207-08-9	
p-Benzoquinone	2,5-Cyclohexadiene-	50-32-8	U022

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Benzotrithloride	1,4-dione	98-07-7	U023
Benzyl chloride	Benzene, (trichloromethyl)-	100-44-7	P028
Beryllium powder	Benzene, (chloromethyl)-	7440-41-7	P015
Beryllium compounds, N.O.S.	Same		
Bis(pentamethylene)thiuram tetrasulfide	Piperidine, 1,1'-(tetra-thiodicarbonothioyl)-bis-	120-54-7	
Bromoacetone	2-Propanone, 1-bromo	598-31-2	P017
Bromoform	Methane, tribromo	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-	101-55-3	U030
Brucine	Strychnidin-10-one,	357-57-3	P018
Butylate	2,3-dimethoxy-		
	Carbamothioic acid, bis-	2008-41-5	
	(2-methylpropyl)-, S-ethyl ester		
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	
Cacodylic acid	Arsenic acid, dimethyl-	75-60-5	U136
Cadmium	Same	7440-43-9	
Cadmium compounds, N.O.S.			
Calcium chromate	Chromic acid H[2]CrO[4], calcium salt	13785-19-0	U032
Calcium cyanide	Calcium cyanide Ca(CN)[2]	592-01-8	P021
Carbaryl	1-Naphthalenol, methylcarbamate	63-25-2	U279
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	1563-38-8	U367
Carbosulfan	Carbamic acid, [(dibutylamino)thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285-14-8	P189
Carbon disulfide	Same	75-15-0	P022
Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenebutanoic acid 4-[bis(2-chloroethyl)amino]-	305-03-3	U035
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane, alpha and gamma isomers			
Chlorinated benzenes, N.O.S.			
Chlorinated ethane, N.O.S.			
Chlorinated fluoroocarbons, N.O.S.			
Chlorinated naphthalene, N.O.S.			
Chlorinated phenol, N.O.S.			
Chlorophazine	Naphthalenamine, N,N'-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	510-15-6	U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
beta-Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl) thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium	Same	7440-47-3	
Chromium compounds, N.O.S.			
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-[(2, 5-dimethoxyphenyl)azo]-	6358-53-8	
	Same	8007-45-2	
Coal tar creosote	Copper cyanide CuCN	544-92-3	P029
Copper cyanide	Copper, bis(dimethyl-carbamodithioato-S,S')-,	137-29-1	
Copper dimethylidithiocarbamate	Same		
Creosote	Phenol, methyl-	1319-77-3	U051
Cresols (Cresylic acid)	2-Butenal	4170-30-3	U052
Crotonaldehyde	Phenol, 3-(methylene)-, methyl carbamate	64-00-6	U053
m-Cumenyl methylcarbamate			P202
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	Beta-D-glucopyranoside, (methyl-ONN-azoxy)methyl-	14901-08-7	
Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester	1134-23-2	
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1, 3, 2-Oxazaphosphorin-2-amine, N, N-bis(2-chloroethyl) tetrahydro-, 2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2,4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters		U240
Daunomycin	5, 12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-	20830-81-3	U059

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
	hexopyranosyl]oxy]		
	-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, 8S-cis)-		
	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	533-74-4	
	Benzene, 1,1'	72-54-8	U060
	-(2,2-dichloroethyliene)bis[4-chloro-		
	Benzene, 1,1'-(dichloroethenyliene)bis[4-chloro-	72-55-9	
	Benzene, 1,1'-(2, 2,2-trichloroethyliene)bis[4-chloro-	50-29-3	U061
	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	2303-16-4	U062
	Same	226-36-8	
	Same	224-42-0	
	Same	53-70-3	U063
	Same	194-59-2	
	Same	192-65-4	
	Naphtho[1,2,3,4-def]chrysene	189-64-0	U064
	Dibenzol[b,def]chrysene	189-55-9	U066
	Benzofirst]pentaphene	96-12-8	
	Propene, 1,2-dibromo-3-chloro-	84-74-2	U069
	1,2-Benzenedicarboxylic acid, dibutyl ester	95-50-1	U070
	Benzene, 1,2-dichloro-	541-73-1	U071
	Benzene, 1,3-dichloro-	106-46-7	U072
	Benzene, 1,4-dichloro-	25321-22-6	
	Benzene, dichloro-, [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	91-94-1	U073
	2-Butene, 1,4-dichloro-	764-41-0	U074
	Methane, dichlorodifluoro-	75-71-8	U075
	Dichloroethylene	25323-30-2	

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1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, bis[2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-[methylenebis(oxy)bis-(2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis(chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenyl-arsine	Arsinous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	2,7,3,6-Dimethanonaphth [2,3-b]oxirene, 3,4, 5,6,9,9-hexachloro-1a, 2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2 beta, 2aalpha, 3 beta, 6 beta, 6a alpha, 7 beta, 7a alpha)-	60-57-1	P037
1,2,3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1	U395
1,4-Diethyleneoxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl	3288-58-2	U087

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Diethyl-p-nitrophenyl phosphate	S-methyl ester-Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester-	84-66-2	U088
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297-97-2	P040
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	56-53-1	U089
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	94-58-6	U090
Disopropyl fluorophosphate (DPP)	Phosphorofluoridic acid, bis(1-methylethyl) ester	55-91-4	P043
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	60-51-5	P044
Dimetilan	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-LH-pyrazol-3-yl ester	644-64-4	P191
3,3'-Dimethoxy benzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-	119-90-4	U091
p-Dimethylamino azobenzene	Benzenamine, N,N'-dimethyl-4-(phenylazo)-	60-11-7	U093
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-	57-97-6	U094
3,3'-Dimethyl benzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	119-93-7	U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7	U098
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	540-73-8	U099
alpha, alpha-Dimethyl phenethylamine	Benzenethanamine, alpha, alpha-dimethyl-	122-09-8	P046
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	105-67-9	U101
Dimethylphthalate	1,2-Benzenedicarboxylic	131-11-3	U102

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Dimethyl sulfate	acid, dimethyl ester Sulfuric acid, dimethyl ester	77-78-1	U103
Dinitrobenzene, N.O.S.	Benzene, dinitro-	25154-54-5	
4,6-Dinitro-O-cresol	Phenol, 2-methyl-4, 6-dinitro-	534-52-1	P047
4,6-Dinitro-O-cresol salts			P047
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4 -dinitro-	121-14-2	U105
2,6-Dinitrotoluene	Benzene, 2-methyl- 1,3-dinitro-	606-20-2	U106
Dinoseb	Phenol, 2-(1-methylpropyl) -4,6-dinitro-	88-85-7	P020
Di-n-octyl phthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	U107
Diphenylamine	Benzenamine, N-phenyl-	122-39-4	
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl	122-66-7	U109
Di-n-propyl nitrosamine	1-Propanamine, N-nitroso- N-propyl-	621-64-7	U111
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl	97-77-8	
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-[2- (ethylthio)ethyl] ester	298-04-4	P039
Dithiobiuret	Thioimidoicarbonic diamide	541-53-7	P049
Endosulfan	[(H[2]N)(C(S))][2]NH 6,9-Methano-2,4,3- benzodioxathiepen,6,7,8,9, 10,10-hexachloro-1, 5, 5a,6,9,9a-hexahydro-, 3-oxide, 7-Oxabicyclo[2.2.1] heptane-2,3- dicarboxylic acid	115-29-7	P050
Endothal	2,7:3,6- Dimethanonaphth[2,3- b]oxirane,3,4,5,6,9, 9-hexachloro-la,2,2a,3 6,6a,7,7a-octahydro-, (1a alpha, 2 beta, 2a beta, 3 alpha, 6 alpha, 6a	145-73-3	P088
Endrin		72-20-8	P051

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Endrin metabolites	beta, 7 beta, 7a alpha)-, Oxirane, (chloromethyl)- 1,2-Benzenediol, 4-[1-hydroxy-2- (methylamino)ethyl]-,(R)- Carbamothioic acid, dipropyl-, S-ethyl ester	106-89-8 51-43-4	P051 U041 P042
Epinephrine	Carbamic acid, ethyl ester	759-94-4	
EPTC	Propanenitrile Carbamodithioc acid, -1,2-ethanedithybis-	51-79-6	U238
Ethyl carbamate (urethane)			
Ethyl cyanide			
Ethylenebisdithio carbamic acid			
Ethylenebisdithiocarbamic acid, salts and esters			
Ethylene dibromide			
Ethylene dichloride			
Ethylene glycol monoethyl ether			
Ethyleneimine			
Ethylene oxide			
Ethylenethiourea			
Ethylidene dichloride			
Ethyl methacrylate			
Ethyl methanesulfonate			
Ethyl Ziram			
Famphur			
Ferbam			
Fluoranthene			
Fluorine			
Fluoroacetamide			
Fluoroacetic acid, sodium salt			
Formaldehyde			

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Formetanate hydrochloride	Methanimidamide, N,N'-dimethyl-N'-[3-(((methyl-amino)carbonyl)-oxy)phenyl]-, monohydrochloride	23422-53-9	P198
Formic acid	Same	64-18-16	U123
Formparanate	Methanimidamide, N,N'-dimethyl-N'-[2-methyl-4-(((methylamino)-carbonyl)oxy)phenyl]-Oxirane-carboxaldehyde	17702-57-7	P197
Glycidylaldehyde	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	765-34-4	U126
Halomethanes, N.O.S.	2,5-Methano-2H-indeno[1,2b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a alpha, 1b beta, 2 alpha, 5 alpha, 5a beta, 6 beta, 6a alpha)-	1024-57-3	P059
Heptachlor			
Heptachlor epoxide			
Heptachlor epoxide (alpha, beta, and gamma isomers)			
Heptachlorodibenzofurans			
Heptachlorodibenzo-p-dioxins			
Hexachlorobenzene	Benzene, hexachloro-1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	118-74-1 87-68-3	U127 U128
Hexachlorocyclopentadiene	1,3-Cyclopentadiene, 1,2,3,4,5-hexachloro-	77-47-4	U130
Hexachlorodibenzo-p-dioxins			
Hexachlorodibenzofurans			
Hexachloroethane	Ethane, hexachloro-Phenol, 2,2'-methylene-bis [3,4,6-trichloro-1-Propene, 1,1,2,3,3,3-hexachloro-	67-72-1 70-30-4 1888-71-7	U131 U132 U243
Hexachloropropene			

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Hexaethyltetraphosphate	Tetraphosphoric acid, hexaethyl ester	757-58-4	P062
Hydrazine	Same	302-01-2	U133
Hydrogen cyanide	Hydrocyanic acid	74-90-8	P063
Hydrogen fluoride	Hydrofluoric acid	7664-39-3	U134
Hydrogen sulfide	Hydrogen sulfide H[2]S	7783-06-4	U135
Indeno[1,2,3-cd]pyrene	Same	193-39-5	U137
3-Iodo-2-propynyl-n-butylcarbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	55406-53-6	
Isobutyl alcohol	1-Propanol, 2-methyl-1,4,5,8-Dimethano	78-83-1	U140
Isodrin	naphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 alpha, 4 alpha, 4a beta, 5 beta, 8 beta, 8a beta)-	465-73-6	P060
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methyl-ethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	U141
Kepone	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-, 2-Butenoic acid, 2 methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1-alpha(2), 7(2S*, 3R*), 7a alpha]]-Same	143-50-0	U142
Lasiocarpine	5a,5b,6-decachlorooctahydro-, 2-Butenoic acid, 2 methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1-alpha(2), 7(2S*, 3R*), 7a alpha]]-Same	303-34-1	U143
Lead			
Lead and compounds, N.O.S.			
Lead acetate	Acetic acid, lead (2+) salt	7439-92-1	U144
Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	301-04-2	U145
Lead subacetate	Lead, bis(acetato-O) tetrahydroxytri-	7446-27-7	U146

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number	Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Lindane	Cyclohexane, 1,2,3,4,5,6-hexachloro-, 1 alpha, 2 alpha, 3 beta, 4 alpha, 5 alpha, 6 beta)-	58-89-9	U129	Methyl ethyl ketone (MEK)	2-Butanone	78-93-3	U159
Maleic anhydride	2,5-Furandione	108-31-6	U147	Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4	U160
Maleic hydrazide	3,6-Pyridazinedione,1,2-dihydro-	123-33-1	U148	Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Malononitrile	Propanedinitrile	109-77-3	U149	Methyl iodide	Methane, iodo-	74-88-4	U138
Manganese dimethyldithio-	Manganese, bis(dimethyl-carbamodithioato-S,S')-,	15339-36-3	P196	Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
Melpalan	1-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	148-82-3	U150	2-Methyl lactonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Mercury	Same	7439-97-6	U151	Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Mercury compounds, N.O.S.				Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	
Mercury fulminate	Fulminic acid, mercury (2+) salt	628-86-4	P065	Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt	137-42-8		Methylthiouracil	4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Methacrylonitrile	2-Propenenitrile, 2-methyl-	126-98-7	U152	Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl	91-80-5	U155	Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methyl-carbamate (ester)	315-18-4	P128
Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio)-, methyl-carbamate	2032-65-7	P199	Mitomycin C	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-S-(1a alpha, 8 beta, 8a alpha, alpha, alpha)]-, 1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	50-07-7	U010
Metholmyl	Ethanimidithioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester	16752-77-5	P066	Molinate	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	2212-67-1	
Methoxychlor	Benzene,1,1'-(2,2,2-trichloroethylidene) bis(4-methoxy-	72-43-5	U247	MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	70-25-7	U163
Methyl bromide	Methane, bromo-	74-83-9	U029	Mustard gas	Ethane, 1,1'-thiobis[2-chloro-	505-60-2	U165
Methyl chloride	Methane, chloro-	74-87-3	U045	Naphthalene	Same	91-20-3	U165
Methylchlorocarbonate	Carbonochloridic acid, methyl ester	79-22-1	U156	-Naphthalenedione	1,4-Naphthalenedione	130-15-4	U166
Methyl chloroform	Ethane, 1,1,1-trichloro-	71-55-6	U226	-Naphthylamine	1-Naphthylamine	134-32-7	U167
3-Methylcholanthrene	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	56-49-5	U157				
4,4'-Methylenebis (2-chloroaniline)	Benzenamine, 4,4'-methylenebis[2-chloro-	101-14-4	U158				
Methylene bromide	Methane, dibromo-	74-95-3	U068				
Methylene chloride	Methane, dichloro-	75-09-2	U080				

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beta-Naphthylamine	2-Naphthalenamine	91-59-8	U168
alpha-Naphthyl thiourea	Thiourea, 1-naphthalenyl-	86-88-4	P072
Nickel	Same	7440-02-0	
Nickel compounds, N.O.S.			
Nickel carbonyl	Nickel carbonyl	13463-39-3	P073
Nickel cyanide	Ni(CO)[4], (T-4)-Nickel cyanide	557-19-7	P074
Nicotine	Ni(CN)[2] Pyridine, 3-(1-methyl-2-pyrolidinyl)-(S)-	54-11-5	P075
Nicotine salts			
Nitric oxide	Nitrogen oxide NO	10102-43-9	P076
p-Nitroaniline	Benzenamine, 4-nitro	100-01-6	P077
Nitrobenzene	Benzene, nitro	98-95-3	P078
Nitrogen dioxide	Nitrogen oxide NO[2]	10102-44-0	P078
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard, hydrochloride salt			
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro	100-02-7	U170
2-Nitropropane	Propane, 2-nitro	79-46-9	U171
Nitrosamines, N.O.S.			
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-butyl-N-nitroso-	35576-91-1	U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis-	924-16-3	
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	1116-54-7	U173
N-Nitrosodimethylamine	Ethanamine, N-methyl-N-nitroso-	55-18-5	U174
N-Nitroso-N-ethylurea	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitrosomethylethylamine	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-	10595-95-6	
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177

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N-Nitroso-N-methylurethane	Carbamic acid, methyl nitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethyl-vinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, 4-nitroso	59-89-2	
N-Nitrosornicotine	Pyridine, 3-(1-nitroso-2-pyrolidinyl)-(S)-	16543-55-8	
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9	
5-Nitro-O-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181
Octamethyl pyrophosphoramide	Diphosphoramide, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO[4], (T-4)	20816-12-0	P087
Oxamyl	Ethanimidothioic acid, 2-(dimethylamino)-N-[(methyl-amino)carbonyl-oxyl]-2-oxo-, methyl ester	23135-22-0	P194
Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl	123-63-7	U182
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2	P089
Pebulate	Carbamothioic acid, butyl-ethyl-, S-propyl ester	1114-71-2	
Pentachlorobenzene	Benzene, pentachloro-	608-93-5	U183
Pentachlorodibenzo-p-dioxins			
Pentachlorodibenzo-furans			
Pentachloroethane	Ethane, pentachloro-	76-01-7	U184
Pentachloronitrobenzene (PCNB)	Benzene, pentachloro-nitro-	82-68-8	U185
Pentachlorophenol	Phenol, pentachloro-	87-86-5	See F027
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	62-44-2	U187
Phenol	Same	108-95-2	U188
Phenylenediamine	Benzenediamine	25265-76-3	
Phenylmercury acetate	Mercury, (acetato-	62-38-4	P092

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Phenylthiourea	O)phenyl-Thiourea, phenyl-	103-85-5	P093
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phorate	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	298-02-2	P094
Phthalic acid esters, N.O.S.			
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
Physostigmine	Pyrrrol[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (3aS-cis)-	57-47-6	P204
Physostigmine salicylate	Benzoic acid, 2-hydroxy-compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo-[2,3-b]indol-5-yl methyl carbamate ester (1:1)	57-64-7	P188
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S.	Same	151-50-8	P098
Potassium cyanide	Carbamodithioc acid, dimethyl, potassium salt	128-03-0	
Potassium dimethyldithiocarbamate	Carbamodithioc acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioc acid, methyl-monopotassium salt	137-41-7	
Potassium n-methyldithiocarbamate	Carbamodithioc acid, bis(cyano-C)-, potassium)	506-61-6	P099
Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium)	7778736	None
Potassium pentachlorophenate	Pentachlorophenol, potassium salt	2631-37-0	P201
Promecarb	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	23950-58-	U192
Pronamide	Benzamide, 3,5-dichloro		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
	-N-(1,1-dimethyl-2-propenyl)-1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
	Phenol, 2-(1-methylethoxy)-, methylcarbamate	114-26-1	U411
	1-Propanamine	107-10-8	U194
	2-Propyn-1-ol	107-19-7	P102
	Propane, 1,2-dichloro-	78-87-5	U083
	Azitrine, 2-methyl-4(LH)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thio-	75-55-8	P067
	-2-thio-	51-52-5	
	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9	U387
	Same	110-86-1	U196
	Yohimban-16-carboxylic acid, 11, 17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl) oxy]-, methyl ester, (3 beta, 16 beta, 17 alpha, 18 beta, 20 alpha)-, 1,3-Benzenediol	50-55-5	U200
	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide	108-46-3	U201
	1,3-Benzodioxole, 5-(2-propenyl)-	81-07-2	U202
	Same	94-59-7	U202
	Same	94-59-7	U203
	Same	7782-49-2	
	Selenious acid	7783-00-8	U204
	Selenium sulfide	7488-56-4	U205
	SeS[2]		
	Carbamodithioic acid, dimethyl-, tetraanydro-sulfide with orthothio-selenius acid	144-34-3	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Selenourea	Same	630-10-4	P103
Silver	Same	7440-22-4	
Silver compounds, N.O.S.			
Silver cyanide	Silver cyanide AgCN	506-64-9	P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See F027
Sodium cyanide	Sodium cyanide NaCN	143-33-9	P106
Sodium dibutylthiocarbamate	Carbamodithioic acid, dibutyl-, sodium salt	136-30-1	
Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1	
Sodium pentachlorophenate	Pentachlorophenol, sodium salt	131522	None
Streptozotocin	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino) carbonyl]amino]-strychnidin-10-one	18883-66-4	U206
Strychnine	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	57-24-9	P108
Strychnine salts	Dibenzof[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	95-06-7	P108
Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	1746-01-6	
TCDD	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2	
Tetrabutylthiuram disulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5	
Tetramethylthiuram monosulfide	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
1,2,4,5-Tetra chlorobenzene			
Tetrachlorodibenzo-p-dioxins			
Tetrachlorodibenzo-furans			
Tetrachloroethane, N.O.S.	Ethane, tetrachloro-, N.O.S.	25322-20-7	
1,1,1,2-Tetra chloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
1,1,2,2-Tetra chloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Tetrachloroethylene	Ethene, tetrachloro-	127-18-4	U210
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027
2,3,4,6-Tetrachlorophenol, potassium salt	Same	53535276	None
2,3,4,6-Tetrachlorophenol, sodium salt	Same	25567559	None
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl	78-00-2	P110
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	
Thallium compounds			
Thallic oxide	Thallium oxide Ti[2O](3)	1314-32-5	P113
Thallium (I) acetate	Acetic acid, thallium (1+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, dithallium (1+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (1+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium (1+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, dithallium (1+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiodicarb	Ethanethioic acid, N,N'-[thiobis(methyl-imino)carbonyloxy]]-bis-, dimethyl ester	59669-26-0	U410
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino) carbonyl]oxime	39196-18-4	P045
Thiophanate-methyl	Carbamic acid, [1,2-phenylenebis(imino-carbonothioyl)]-bis-, dimethyl ester	23564-05-8	U409
Thiomethanol	Methanethiol	74-93-1	U153

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Thiophenol	Benzenethiol	108-98-5	P014
Thiosenicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S(2), tetramethyl-	137-26-8	U244
Tirpate	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl] oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis-(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
2,4,6-Tribromophenol	Tribromophenol, 2,4,6	118-79-6	U408
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane,		25735-29-9	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
N.O.S.			
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro	96-18-4	
Triethylamine	Ethanamine, N,N-diethyl-	121-44-8	U404
O,O-Triethylphosphorothioate	Phosphorothioic acid, O,O-triethyl ester	126-68-1	
1,3,5-Trinitrobenzene	Benzenene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziridinyl) phosphine sulfide	Aziridine, 1,1',1''-phosphinothioylidynetris-	52-24-4	
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl [1,1'-biphenyl]-4,4''-diyl)bis(azo)]bis[5-amino-4-hydroxy]-, tetrasodium salt	72-57-1	U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-	66-75-1	U237
Vanadium pentoxide	Vanadium oxide V[2]O[5]	1314-62-1	P120
Vernolate	Carbamothioic acid, dipropyl-, S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3 percent	81-81-2	P001
Warfarin salts, when present at concentrations less than 0.3 percent			
Warfarin salts, when present at concentrations less than 0.3 percent			
Warfarin salts, when present at concentrations less than 0.3 percent			

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NOTICE OF ADOPTED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
greater than 0.3 percent zinc cyanide	Zinc cyanide Zn(CN)[2]	557-21-1	P121
zinc phosphide	Zinc phosphide P[2]Zn[3], when present at concentrations greater than 10 percent	1314-84-7	P122
zinc phosphide	P[2]Zn[3], when present at concentrations of 10 percent or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')-(T-4)-	137-30-4	P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this Section.

(Source: Amended 1990 23 Ill. Reg. 1718-3, effective JAN 1 9 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 721.APPENDIX Z Table to Section 721.102

Table	*1	*2	*3	*4
		Burning for energy recovery or use to produce a fuel	Reclamation (except as provided in Section 261.4 (a)(15) for mineral processing secondary materials)	
	Use constituting disposal			Speculative accumulation
Applicable Subsection of Section 721.102:	(c)(1)	(c)(2)	(c)(3)	(c)(4)
Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	--No	Yes
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
By-products exhibiting a characteristic of hazardous waste	Yes	Yes	--No	Yes
Commercial chemical products listed in Section 721.133	Yes	Yes	--No	--No
Scrap metal other than excluded scrap metal (see Section 721.101(c)(9))	Yes	Yes	Yes	Yes
Yes - Defined as a solid waste				
No - Not defined as a solid waste				

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Interim Status Standards for Owners and Operators of hazardous waste treatment, storage, and disposal facilities
- 2) Code citation: 35 Ill. Adm. Code 725
- 3) Section numbers: Adopted action:

725.115 Amended
725.173 Amended
725.302 Amended
725.930 Amended
725.933 Amended
725.950 Amended
725.960 Amended
725.962 Amended
725.964 Amended
725.980 Amended
725.981 Amended
725.982 Amended
725.983 Amended
725.984 Amended
725.985 Amended
725.986 Amended
725.987 Amended
725.988 Amended
725.989 Amended
725.990 Amended
725.App. F Amended

4) Statutory authority: 415 ILCS 5/22.4 and 27

5) Effective date of amendments: January 19, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. The existing text of Part 725 includes a number of documents incorporated by reference. Some of those incorporations are amended by the present amendments at Sections 725.964, 725.984, and 725.987.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register: October 16, 1998, 22 Ill. Reg. 18370

10) Has JCAR issued a Statement of Objections to these rules? No. Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c))

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

- *1-- Use-constituting-disposal-(Section-721-i02(c){1})
*2-- Burning--for--energy--recovery--or--use--to--produce--a--fuel---(Section-721-i02(c){2})
*3-- Reclamation-(Section-721-i02(c){3})
*4-- Speculative-accumulation-(Section-721-i02(c){4})

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2(c)(4) (1997), as amended at 63 Fed. Reg. 28636 (May 26, 1998). The terms "spent materials", "sludges", "by products", "scrap metal", and "processed scrap metal" are defined in Section 721.101.

(Source: Amended at 23 Ill. Reg. 1718, effective JAN 19 1999)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version: The following table indicates the revisions made to the text of the amendments since the Board's September 17, 1998 proposal for public comment:

725. Source Note Added completed citation information for R97-21/R98-3/R98-5

725.115(b)(4) Removed extra conjunction "and"

725.302 Added correction to a cross-reference not included in the proposal

725.930(b) Changed indent level of note to subsection (b)

725.930(b)(1) Removed ending conjunction "or"

725.930(b)(2) Changed ending punctuation to a semicolon, adding conjunction "or;" corrected cross-reference to "35 Ill. Adm. Code 722.134(b)(2)"

725.930(d) Removed "part" from CFR citations (six times)

725.933(a)(2)(A) Removed overstrike of space after closing period

725.933(a)(2)(D) Corrected cross-reference format to "subsection (a)(2){iii}"

725.933(e)(4) Changed variable HT to use subscript

725.950(b) Changed "§" to "percent"

725.950(e) Corrected cross-reference to "Sections 725.952 through 725.960"

725.962(b)(1) Corrected to plural "subsections (b)(2) and (b)(3)"

725.980(b)(6) Changed "U.S.C." to "USC"

725.981 "volatile organic concentration" changed "Section 724.Appendix F" to "Appendix F of this Part"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

725.981 "waste stabilization process" Corrected citation format to "35 Ill. Adm. Code 720.111"

725.982(a)(2) Corrected cross-reference to "Section 725.983(c)"

725.982(a)(2)(B) Corrected verb to plural "meet"

725.982(a)(2)(B)(ii) Retained ending period

725.982(b) Deleted unnecessary word "Section"

725.982(b)(1) Corrected cross-reference to "Section 725.983(c);" deleted "of this Part"

725.982(c) Used singular "owner"

725.983(c)(2)(B) Changed "§" to "percent"

725.983(c)(2)(D)(i) Changed "§" to "percent" (twice)

725.983(c)(2)(F) Changed "§" to "percent"

725.984(a)(2) Corrected cross-reference format to "subsection (a)(1)"

725.984(a)(3)(D) Removed overstrike of space after closing period

725.984(a)(3)(D)(i) Underlined subsection number; corrected "(a)(3)(ii)" to "(a)(3)(B);" added comma after "i.e." in entry for variable C;

725.984(a)(3)(F) Changed indent level of note to subsection (a)(3)(F)

725.984(a)(3)(G) Changed indent level of note to subsection (a)(3)(G)

725.984(a)(3)(G)(i) Removed "part" from CFR citations (twice)

725.984(a)(3)(G)(ii) Changed to singular "value"

725.984(b)(3)(D) Added comma after "i.e." in entry for variable C1

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

725.985(c)(2)(E) Changed indent level of note to subsection (c)(2)(E)

725.985(f)(3)(D) Changed indent level of note to subsection (f)(3)(D)

725.987(c)(1)(A) Changed "DOT" to "USDOT"

725.987(c)(4)(A) Corrected cross-reference to "35 Ill. Adm. Code 722.Appendix A"

725.987(d)(4)(A) Corrected cross-reference to "35 Ill. Adm. Code 722.Appendix A"

725.988(c)(2)(A) Changed to singular "subsection"

725.988(c)(2)(D) Changed to singular "subsection"

725.990(j) Corrected cross-reference to "Sections 725.985 through 725.988;" corrected cross-reference to "Section 725.980(b)(7)"

725.990(j)(1) Removed "part" from CFR citations (three times)

725.990(j)(2) Removed "part" from CFR citations (three times)

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR staff suggested revisions to the text of the rules that the Board has incorporated into the text.

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 17, 1998, in Board docket number R98-21/R99-7, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699 (July 14, 1997) USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568 (August 28, 1997) USEPA issued a second emergency extension of the Alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503 (December 5, 1997) USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656 (December 8, 1997) USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503 (April 15, 1998) USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

63 Fed. Reg. 24595
(May 4, 1998)

USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963
(May 6, 1998)

USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)

USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781
(June 19, 1998)

USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has previously taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 37782
(July 14, 1998)

USEPA removed three amendments from its May 6, 1998 direct final rule relating to used oil contaminated with PCBs.

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new listings for five additional hazardous wastes from the petroleum refining industry, along with land disposal restrictions (LDRs) for these wastes.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the May 4, 1998, organo-bromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

63 Fed. Reg. 54356
(October 9, 1998)

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)

USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394
(September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503
(December 5, 1997)

Clarification of when a treatment variance is available.

62 Fed. Reg. 64556
(December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.

63 Fed. Reg. 18503
(April 15, 1998)

Pulp and paper industry sector standards.

63 Fed. Reg. 24595
(May 4, 1998)

Organobromine chemicals waste rules.

63 Fed. Reg. 24963
(May 6, 1998)

Used oil mixtures rules for PCB-contaminated oils.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 63 Fed. Reg. 28555
(May 26, 1998)
"Phase IV" land disposal restrictions.
- 63 Fed. Reg. 33781
(June 19, 1998)
Hazardous waste combustion rules.
- 63 Fed. Reg. 35147
(June 29, 1998)
Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 37782
(July 14, 1998)
Removal of three amendments from the May 6, 1998 direct final rule.
- 63 Fed. Reg. 38756
(July 20, 1998)
Correction to 40 C.F.R. 136.3(e), table.
- 63 Fed. Reg. 42109
(August 6, 1998)
New hazardous waste listings and land disposal restrictions for wastes from the petroleum refining industry.
- 63 Fed. Reg. 42580
(August 10, 1998)
Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.
- 63 Fed. Reg. 44146
(August 18, 1998)
Correction to 40 C.F.R. 136.3(e), table.
- 63 Fed. Reg. 46331
(August 31, 1998)
Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 48124
(September 9, 1998)
Extension of the Phase IV LDR compliance deadline.
- 63 Fed. Reg. 54356
(October 9, 1998)
Changed the compliance deadline for the August 6, 1998 rules.

Specifically, the amendments to Part 725 include major segments of the federal December 8, 1997, Subpart CC amendments.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

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Request copies of the Board's opinion and order of December 17, 1998, from Victoria Agyeman at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 18580, effective JAN 10 1999.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as

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used in mathematics.

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.115 General Inspection Requirements

- a) The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges that may be causing -- or may lead to -- the conditions listed below. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.
- 1) Release of hazardous waste constituents to the environment, or
 - 2) A threat to human health.

b) Written schedule.

- 1) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.
- 2) The owner or operator shall keep this schedule at the facility.
- 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
- 4) The frequency of inspection may vary for the items on the schedule. However, the frequency it should be based on the rate of deterioration, of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.293, 725.295, 725.326, 725.360, 725.378, 725.404, 725.447, 725.477, 725.503, 725.933, 725.952, 725.953, 725.958, 725.989, and 725.984 through 725.990 725-991b7, where applicable.
- c) The owner or operator shall remedy any deterioration or malfunction of equipment or structure that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.
- d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

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(Source: Amended at 23 Ill. Reg. 1850, effective JAN 19 1999)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 725.173 Operating Record

a) The owner or operator shall keep a written operating record at the facility.

b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.

1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage, or disposal at the facility as required by Section 725.Appendix A;

2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;

BOARD NOTE: See Sections 725.219, 725.379, and 725.409 for related requirements.

3) Records and results of waste analysis, waste determinations, and trial tests performed as specified in Sections 725.113, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934, 725.963, and 725.984 and 35 Ill. Adm. Code 728.104(a) and 728.107;

4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);

5) Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);

6) Monitoring, testing or analytical data where required by 725-Subpart F of this Part or Sections 725.119, 725.190, 725.194, 725.291, 725.293, 725.295, 725.322, 725.323, 725.326, 725.355, 725.359, 725.360, 725.376, 725.378, 725.380(d)(1), 725.402 through 725.404, 725.447, 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i), or 725.964, and 725.1083 725-999 through 725.990 725-991;

BOARD NOTE: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.

7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244;

8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under

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an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106, or a certification under 35 Ill. Adm. Code 728.108 and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);

9) For an off-site treatment facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

10) For an on-site treatment facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

11) For an off-site land disposal facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108;

12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.107 or 728.108;

13) For an off-site storage facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

14) For an on-site storage facility, the information contained in the notice (except the manifest number) and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: Amended at 23 Ill. Reg. 1850, effective JAN 19 1999)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 725.930 Applicability

a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 725.101).

b) Except for Section 725.934(d) and (e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in one of the following:

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- 1) A unit that is subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or
- 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) 262-34(f) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located on a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705.

- 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container) and which is not a recycling unit under the requirements of 35 Ill. Adm. Code 721.106.

BOARD NOTE: The requirements of Sections 725.932 through 725.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 725.101(c) are not affected by these requirements.

- c) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

- d) The requirements of this Subpart do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents which would otherwise be subject to this Subpart are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable Federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. The documentation of compliance under regulations at 40 CFR 60, 61, or 63 must be kept with, or made readily available with, the facility operating record.

(Source: Amended 9 1993 23 Ill. Reg. 1850 = , effective)

Section 725.933 Standards: Closed-vent Systems and Control Devices

- a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.

- 2) Implementation Schedule.

- A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must

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be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup.

- B) Any unit ~~Air-units~~ that begins ~~begin~~ operation after December 21, 1990, and which is subject to the provisions of this Subpart when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month 2-year implementation schedule does not apply to these units.

- C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart shall comply with all requirements of this Subpart as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

- D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart after December 8, 1997, due to an action other than those described in subsection (a)(2)(iii) of this Section must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart; the 30-month implementation schedule does not apply).

- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum

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of the actual compounds, not carbon equivalents, on a dry basis corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 degrees Celsius [$^{\circ}$ C]. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.

d) Flares

- 1) A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) of this Section except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c) of this Section.

- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.

4) Exit Velocity.

- A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section.

- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

- C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than the velocity, V as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.

- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V as determined by the method specified in subsection (e)(5) of this Section.

- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

e) Compliance determination and equations.

- 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart.

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The observation period is 2 hours and must be used according to Method 22.

- 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \sum_{i=1}^n X[C[i]] \times H[i]$$

Where:

H[T] is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20°C.

$K = 1.74 \times 10^{(-7)}$ (1/ppm) (g mol/scm) (MJ/kcal) where the standard temperature for (g mol/scm) is 20°C.

S X[i] means the sum of the values of X for each component i, from i=1 to n.

C[i] is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

H[i] is the net heat of combustion of sample component i, kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) of this Section must be determined by the following equation:

$$\log[10] (V[\max]) = \frac{H[T] + 28.8}{31.7}$$

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Where:

$\log[10-]$ means logarithm to the base 10

$H[T]$ is the net heating value as determined in subsection (e)(2) of this Section.

- 5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 H[T]$$

Where:

$H[T]$ is the net heating value as determined in subsection (e)(2) of this Section.

- f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with

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a continuous recorder that indicates the continuous ignition of the pilot flame.

- D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicate good combustion operating practices are being used.

F) For a condenser, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ± 1 percent of the temperature being monitored in degrees Celsius ($^{\circ}\text{C}$) or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).

G) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) of this Section at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time

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interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).

- h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vii); whichever is longer.

2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vii).

- i) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

j) A closed-vent system must meet either of the following design requirements:

1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 725.934(b), and by visual inspections; or

2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

- k) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

1) Each closed-vent system that is used to comply with subsection (j)(1) of this Section shall be inspected and monitored in accordance with the following requirements:

- A) An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or

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before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 725.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

- B) After initial leak detection monitoring required in subsection (k)(1)(A) of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:

i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in Section 725.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (k)(1)(B)(i) of this Section must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (n) of this Section, using the procedures specified in Section 725.934(b) to demonstrate that the components or connections operate with no detectable emissions.

- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (k)(3) of this Section.

D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

2) Each closed-vent system that is used to comply with subsection (j)(2) of this Section must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.

B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or

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operator shall perform the inspections at least once every year.

- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k)(3) of this Section.

- D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

- 3) The owner or operator shall repair all detected defects as follows:

- A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (k)(3)(C) of this Section.

- B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

- C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

- D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 725.935.

- 1) A closed-vent system or control device used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it.

- m) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

- 1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:

- A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724.Subpart X; or

- B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of 725-Subparts AA and CC of this Part or 35 Ill. Adm. Code 724; or

- C) The unit is equipped with and operating air emission

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controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR 61 or 40 CFR 63.

- 2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:

- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724.Subpart O, or

- B) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of 725-Subpart O of this Part.

- 3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following:

- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H, or

- B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

- n) Any components of a closed-vent system that are designated, as described in Section 725.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (k)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:

- 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (k)(1)(B)(ii) of this Section; and

- 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (k)(1)(B)(ii) of this Section as frequently as practicable during safe-to-monitor times.

(Source: Amended at 23 Ill. Reg. 1850, effective JAN 19 1993)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 725.950 Applicability

- a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 725.101).

- b) Except as provided in Section 725.964(k), this Subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10% percent by weight that are managed in one of the following:

- 1) A unit that is subject to the RCRA permitting requirements of 35

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- Ill. Adm. Code 702, 703, and 705;
- 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or
 - 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.
 - c) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.
 - d) Equipment that is in vacuum service is excluded from the requirements of Sections 725.952 to 725.960, if it is identified as required in Section 725.964(g)(5).
 - e) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent * by weight for a period of less than 300 hours per calendar year is excluded from the requirements of Sections 725.952 to 725.960 through 725.960 265-960 if it is identified as required in Section 725.964(g)(6).
- BOARD NOTE: The requirements of Sections 725.952 through 725.964 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 725.101(e) are not affected by these requirements.
- f) Agency decisions pursuant to this part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

(Source: Amended at 23 Ill. Reg. 1850, effective JAN 19 1993)

Section 725.960 Standards: Closed-vent Systems and Control Devices

- a) An owner, owners or operator, operators of a closed-vent system or systems and control device subject to this Subpart devices shall comply with the provisions of Section 725.933.
- b) Implementation Schedule.

1) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as

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- possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup.
- 2) Any unit that begins operation after December 21, 1990, and which is subject to the provisions of this Subpart when operation begins, must comply with the rules immediately (i.e., the unit must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.
 - 3) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart shall comply with all requirements of this Subpart as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart. The owner or operator shall enter the implementation schedule in the operating record or in a permanent readily available file located at the facility.
 - 4) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart due to an action other than those described in subsection (b)(3) of this Section shall comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart; the 30-month implementation schedule does not apply).

(Source: Amended at 23 Ill. Reg. 1850, effective JAN 19 1993)

Section 725.962 Skip Period Alternative for Valves

a) Election

- 1) An owner or operator subject to the requirements of Section 725.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (3).
- 2) An owner or operator shall notify the Agency before implementing one of the alternative work practices.
- b) Reduced Monitoring

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- 1) An owner or operator shall comply with the requirements for valves, as described in Section 725.957, except as described in subsections subsection (b)(2) and (3).
- 2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two and a half percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every six months) for the valves subject to the requirements in Section 725.957.
- 3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two and a half percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every year) for the valves subject to the requirements in Section 725.957.
- 4) If the percentage of valves leaking is greater than two percent, the owner or operator shall monitor monthly in compliance with the requirements in Section 725.957, but may again elect to use this Section after meeting the requirements of Section 725.957(c)(1).

(Source: Amended 1995 23 Ill. Reg. 1850, effective JAN 19 1995)

Section 725.964 Recordkeeping Requirements

- a) Lumping Units.
 - 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
 - 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
- b) Owners and operators shall record the following information in the facility operating record:
 - 1) For each piece of equipment to which this Subpart applies:
 - A) Equipment identification number and hazardous waste management unit identification.
 - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
 - C) Type of equipment (e.g., a pump or pipeline valve).
 - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
 - E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
 - F) Method of compliance with the standard (e.g., "monthly leak

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- detection and repair" or "equipped with dual mechanical seals").
- 2) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule as specified in that Section.
- 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 725.935(b)(3).
- 4) Documentation of compliance with Section 725.960, including the detailed design documentation or performance test results specified in Section 725.935(b)(4).
- c) When each leak is detected as specified in Section 725.952, 725.953, 725.957, or 725.958, the following requirements apply:
 - 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 725.958(a), and the date the leak was detected, must be attached to the leaking equipment.
 - 2) The identification on equipment except on a valve, may be removed after it has been repaired.
 - 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 725.957(c) and no leak has been detected during those 2 months.
- d) When each leak is detected as specified in Sections 725.952, 725.953, 725.957 or 725.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
 - 1) The instrument and operator identification numbers and the equipment identification number.
 - 2) The date evidence of a potential leak was found in accordance with Section 725.958(a).
 - 3) The date the leak was detected and the dates of each attempt to repair the leak.
 - 4) Repair methods applied in each attempt to repair the leak.
 - 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 725.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
 - 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - 7) Documentation supporting the delay of repair of a valve in compliance with Section 725.959(c).
 - 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
 - 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
 - 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating and inspection

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information for each closed-vent system and control device required to comply with the provisions of Section 725.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 725.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 725.935(c)(3) through (c)(8).

f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

g) The following information pertaining to all equipment subject to the requirements in Sections 725.952 through 725.960 must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.

2) List of Equipment

A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 725.952(e), 725.953(i) and 725.957(f).

B) The designation of this equipment as subject to the requirements of Section 725.952(e), 725.953(i) or 725.957(f) must be signed by the owner or operator.

3) A list of equipment identification numbers for pressure relief devices required to comply with Section 725.954(a).

4) Compliance tests.

A) The dates of each compliance test required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f).

B) The background level measured during each compliance test.

C) The maximum instrument reading measured at the equipment during each compliance test.

5) A list of identification numbers for equipment in vacuum service.

6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for a period of less than 300 hours per year.

h) The following information pertaining to all valves subject to the requirements of Section 725.957(g) and (h) must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.

2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

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i) The following information must be recorded in the facility operating record for valves complying with Section 725.962:

1) A schedule of monitoring.

2) The percent of valves found leaking during each monitoring period.

j) The following information must be recorded in a log that is kept in the facility operating record:

1) Criteria required in Sections 725.952(d)(5)(B) and 725.953(e)(2) and an explanation of the criteria.

2) Any changes to these criteria and the reasons for the changes.

k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 725.950 and other specific Subparts:

1) An analysis determining the design capacity of the hazardous waste management unit.

2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 725.960 and an analysis determining whether these hazardous wastes are heavy liquids.

3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 725.952 through 725.960. The record must include supporting documentation as required by Section 725.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 725.952 through 725.960, then a new determination is required.

l) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only three years.

m) The owner or operator of any facility with equipment that is subject to this Subpart and to regulations at 40 CFR 60, Subpart-VV7-or-48-CFR 61, Subpart-VV or 63, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation of compliance either pursuant to Section 725.964 or by documentation of compliance with the regulations at 40 CFR 60, 61, or 63, pursuant to the relevant provisions of 40 CFR 60, 61, or 63. ~~to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart.~~ The documentation of compliance under the regulation at 40 CFR 60, or 61, or 63 must be kept with or made readily available with the facility operating record.

(Source: Amended at 23 Ill. Reg. 1850, effective

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JAN 19 1999

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.980 Applicability

a) The requirements of this Subpart apply--effective-October-6, 1996, to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers that are subject to 725-Subpart I, J, or K of this Part except as Section 725.101 and subsection (b) of this Section provide otherwise.

BOARD-NOTE:--US EPA-adopted-these-regulations-at--59--Fed--Reg--62896 (Dec--67--1994)--effective-June-6, 1995--At-60--Fed--Reg--26928--May 19--1995--and-60--Fed--Reg--56952--(Nov-13-1995)--and-61--Fed--Reg--28598--(June-5-1996)--US EPA-delayed-the-effective-date-until-October 6, 1996--If-action-by-US EPA-or-a-decision-of-a-federal-court--changes the-effectiveness-of-these-regulations--the-Board-does-not-intend-that the--725-Subpart-CC-rules-be-enforceable-to-the-extent-that-it-becomes more-stringent-than-the-federal-regulations-upon-which-they-are-based--The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996 this date.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 8586-2011 et seq.) and the Nuclear Waste Policy Act.
- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean

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Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 725.985(i), except as provided in Section 725.983(c)(5).

8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 725.931.

c) For the owner and operator of a facility subject to this Subpart that has received a final RCRA permit prior to December 6, 1996, the following requirements apply:

1) The requirements of 35 Ill. Adm. Code 724-Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.

2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705, the owner and operator is subject to the requirements of this Subpart.

d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 725.990(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

2) The owner or operator prepares documentation, in accordance with Section 725.990(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 725.985 through 725.988 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.

3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing

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process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended, at 23 Ill. Reg. 1850, effective JAN 19 1993)

Section 725.981 Definitions

As used in this Subpart and in 35 Ill. Adm. Code 724, all terms not defined herein shall have the meaning given to them in the Act and 35 Ill. Adm. Code 720 through 726.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

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"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of a hazardous waste being managed in a tank with no fixed roof.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double-deck, pontoon single-deck, or internal floating cover that rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means that the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20°C (1.2 inches H₂O at 68°F); and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C (1.2 inches H₂O at 68°F) is equal to or greater than 20 percent by weight.

"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.).

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reasonably expected to occur in the tank. For the purpose of this Subpart, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and which is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere, as determined using the procedure specified in Section 725.984(d).

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR 60, 61, and 63.

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(c)(2) exits the treatment process. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device, which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient

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temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined determined by direct measurement or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8X10⁻⁶) atmospheres/gram-mole/(m(3)) at 25 C (77 F) must be included. Section 725- Appendix F of this Part presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process

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used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code Section 720.111. A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification". This does not include the addition of absorbent materials to the surface of a waste to absorb free liquid without mixing, agitation, or subsequent curing.

(Source: Amended at 23 Ill. Reg. 1850.13, effective JAN 18 1996)

Section 725.982 Schedule for Implementation of Air Emission Standards

- a) An owner or operator of a facility in existence on December 6, 1996 and subject to 725-Subpart I, J, or K of this Part shall meet the following requirements:

1) The owner or operator shall install and begin operation of all control equipment required to comply with by this Subpart and complete modifications of production or treatment processes to satisfy exemption criteria in accordance with Section 725.983(c) by December 6, 1996, except as provided in subsection (a)(2) of this Section below.

2) When control equipment or waste management units required to comply with by this Subpart cannot be installed and in operation or modifications of production or treatment processes to satisfy exemption criteria in accordance with Section 725.983(c) cannot be completed by December 6, 1996, the owner or operator shall:

A) Install and begin operation of the control equipment and waste management units, and complete modifications of production or treatment processes as soon as possible but in no case later than December 8, 1997.

B) Prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, waste management units, and production or treatment process modifications; the dates of initiation of on-site installation of the control equipment, or waste management units, and modifications of production or treatment processes; the dates of completion of the control equipment or waste management unit installation, and production or treatment process modifications; and the dates of performance of any testing to demonstrate that the installed equipment or waste management units, and modified

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production or treatment processes, meet meets the applicable standards of this Subpart.

C) For a facility facilities subject to the recordkeeping requirements of Section 725.173, the owner or operator shall enter the implementation schedule specified in subsection (a)(2)(B) of this Section above in the operating record no later than December 6, 1996.

D) For a facility facilities not subject to Section 725.173 of this Section above, the owner or operator shall enter the implementation schedule specified in subsection (a)(2)(B) of this section in a permanent, readily available file located at the facility no later than December 6, 1996.

b) An owner or operator of a facility or unit in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to 725-Subpart I, J, or K of this Part shall meet the following requirements:

1) The owner or operator shall install and begin operation of all control equipment required to comply with by this Subpart and complete modifications of production or treatment processes to satisfy exemption criteria of Section 725.983(c) by the effective date of the amendment, except as provided in subsection (b)(2) of this Section below.

2) When control equipment or waste management units required to comply with by this Subpart cannot be installed and begin operation or when modifications of production or treatment processes to satisfy the exemption criteria of Section 725.983(c) cannot be completed by the effective date of the amendment, the owner or operator shall undertake the following actions:

A) Install and begin operation of operate the control equipment or waste management unit and complete modification of production or treatment processes as soon as possible, but in no case later than 30 months after the effective date of the amendment;

B) Maintenance of implementation schedule.

i) For facilities subject to the recordkeeping requirements of Section 725.173, enter and maintain the implementation schedule specified in subsection (a)(2)(B) of this Section above in the operating record no later than the effective date of the amendment, or

ii) For facilities not subject to Section 725.173, the owner or operator shall enter and maintain the implementation schedule specified in subsection (a)(2)(B) of this Section above in a permanent, readily available file located at the facility site no later than the effective date of the amendment.

c) The owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart after December 8, 1997 due to an

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action other than those described in subsection (b) of this Section shall comply with all applicable requirements immediately (i.e., the owner or operator shall have control devices installed and operating on the date the facility or unit becomes subject to the requirements of this Subpart; the 30-month implementation schedule does not apply to the owner or operator of such a facility).

d) The Board will grant an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. 106 that extends Agency may elect to extend the implementation date for control equipment at a facility, on a case-by-case basis, to a date later than December 8, 1997 when the facility owner or operator proves the following:

- 1) That when special circumstances that--are beyond the facility owner's or operator's control have delayed or will delay installation or operation of control equipment, and
- 2) That the ~~the~~ owner or operator has made all reasonable and prudent attempts to comply with the requirements of this Subpart.

(Source: Amended JAN 19 1999, 23 Ill. Reg. 1850, effective

Section 725.983 Standards: General

a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.

b) The owner or operator shall control air pollutant emissions from each hazardous waste management unit in accordance with the standards specified in Sections 725.985 through Section 725.988, as applicable to the hazardous waste management unit, except as provided for in subsection (c) of this Section.

c) A tank, surface impoundment, or container is exempted from standards specified in Sections 725.985 through 725.988, provided that all hazardous waste placed in the waste management unit is one of the following:

- 1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 725.984(a). The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

- 2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

- A) The process removes or destroys the organics contained in the hazardous waste to such a level that the average VO

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concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C[t]) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 725.984(b).

B) The process removes or destroys the organics contained in the hazardous waste to such a level that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent %, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b).

C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 725.984(b).

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

- i) The organic reduction efficiency (R) for the process is equal to or greater than 95% percent, and the organic biodegradation efficiency (R[biol]) for the process is equal to or greater than 95% percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined using the procedures specified in Section 725.984(b).

- ii) The total actual organic mass biodegradation rate (MR[biol]) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 725.984(b).

E) The process is one that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

- i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed

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in waste management units that use air emission controls in accordance with the standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

- ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USEPA considers a drain system that meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", to be a closed system.

- iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedures specified in Section 725.984(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b).

- F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in Section 724.983(b) and Section 724.983(a), respectively.

- G) A hazardous waste incinerator for which either of the following conditions is true:

- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724.983(a); or
- ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of 725-Subpart O of this Part.

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- H) A boiler or industrial furnace for which either of the following conditions is true:

- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726-Subpart H; or
- ii) The owner or operator has designed and operates the industrial furnace or incinerator in accordance with the interim status requirements of 35 Ill. Adm. Code 726-Subpart H.

- I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

- i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, one-half the blank value determined in the method at Section 4.4 of Method 25D or a value of 25 ppmw, whichever is less.

- ii) If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase $(0.1 \frac{Y}{X})$ (which can also be expressed as 1.8×10^{-6}) atmospheres/gram-mole/m(3)) at 25° C ~~limit of detection established for the method.~~

- 3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this Section.

- 4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following two conditions:

- A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in 35 Ill. Adm. Code 728-Table T; or
- B) ~~The organic hazardous constituents in the waste have it has~~ been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or treated by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).

- 5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:

- A) The tank is located inside an enclosure vented to a control

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device that is designed and operated in accordance with all applicable requirements specified under 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste Operations", incorporated by reference in 35 Ill. Adm. Code 720.111, for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;

- B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and
- C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:

- 1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section 725.984(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 725.984(b).

2) In performing a waste determination pursuant to subsection (d)(1) of this Section, the sample preparation and analysis shall be conducted as follows:

- A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this Section.
 - B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method.
- 3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste

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samples used for the analysis.

4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this Section must be used to establish compliance with the requirements of this Subpart.

5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement, based on waste samples collected within a 1-hour period as follows:

A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 725.984(a).

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (d)(4)(C) of this Section.

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Sections 725.984(a) and 725.990 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Amended 1999, 23 Ill. Reg. 1850, effective 1999)

Section 725.984 Waste Determination Procedures

a) Waste determination procedure for volatile organic (VO) concentration

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of a hazardous waste at the point of waste origination.

1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3) of this Section, or by knowledge of the waste, as specified in subsection (a)(4) of this Section.

3) Direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Identification. The owner or operator shall identify and record the point of waste origination for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer ~~less~~ than four samples, must be collected for a the hazardous waste determination. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream

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are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (a)(3)(C)(i) through (a)(3)(C)(ix) of this Section, including the appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m(3)] at 25°C (77°F). Each of the analytical methods listed in subsections (a)(3)(C)(ii) through (a)(3)(C)(vii) of this Section has an associated list of approved chemical compounds for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260~~4B~~ or 8270~~4E~~ in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (a)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to

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the concentration it would have had, had it been measured using Method 25D, by multiplying the measured concentration by the constituent-specific adjustment factor (f_{m25D}), as specified in subsection (a)(4)(C) of this Section. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260(F) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260(F). The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- vii) Method 8270(F) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270(F). The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for USEPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (a)(3)(C)(ix) of this Section.
- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations

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in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

D) Calculations.

- i) The average VO concentration (C) on a mass-weighted basis must be calculated by using the results for all waste determinations conducted ~~samples--analyzed~~ in accordance with subsection (a)(3)(B) and (a)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{Q(T)} \sum_{i=1}^n X \quad (Q[i] \times CM[i])$$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw.

i = Individual waste determination sample "i" of the hazardous waste.

n = Total number of waste determinations ~~samples of~~ the hazardous waste conducted ~~collected--(at--least~~ ~~four)~~ for the averaging period (not to exceed one year).

Q[i] = Mass quantity of the hazardous waste stream represented by C[i], in kg/hr.

Q(T) = Total mass quantity of the hazardous waste during the averaging period, in kg/hr.

C[i] = Measured VO concentration of waste determination sample "i", as determined in accordance with subsection (a)(3)(C) of this Section ~~(i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii) of this Section), in ppmw.~~

- ii) For the purpose of determining C[i], for individual

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waste samples analyzed in accordance with subsection (a)(3)(C) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G) of this Section.

E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C) of this Section, the Agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

FB) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) of this Section are as follows:

- i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.
- ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(FB)(i) and (a)(3)(FB)(ii) are derived from correspond with 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1) and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

G) VO concentrations below the limit of detection must be considered to be as follows:

- i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Method 25D in 40 CFR 60, appendix A.

- ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmosphere/gram-mole/m(3)) at 25° C.

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois

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Administrative Code format requirements.

- 4) Use of owner or operator knowledge to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

B) If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.

C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (fm25D).

D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3) of this Section, must be used to establish compliance with the applicable requirements of this Subpart. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the

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b) Waste determination procedures for treated hazardous waste.

- 1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.
- 2) The owner or operator shall designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9) of this Section.
- 3) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.
 - A) Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste.
 - B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
 - i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.
 - ii) A sufficient number of samples, but no fewer ~~less~~ than four samples, must be collected and analyzed for a hazardous waste determination. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.
 - iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling

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plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (b)(3)(C)(i) through (b)(3)(C)(ix) of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section 725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples shall be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as $1.8 \times 10^{(-6)}$ atmospheres/gram-mole/m(3)] at 25 degrees Celsius. Each of the analytical methods listed in subsections (b)(3)(C)(ii) through (b)(3)(C)(vi) of this Section has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in

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40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260(B) or 8270(E) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (b)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to the concentration had it been measured using Method 25D by multiplying the measured concentration by the constituent-specific adjustment factor (f[m25D]) as specified in subsection (a)(4)(C) of this Section. Constituent-specific adjustment factors (f[m25D]) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260(B) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260(B). The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.
- vii) Method 8270(E) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270(E). The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.

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viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (b)(3)(C)(ix) of this Section.

- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

D) Calculations. The average VO concentration (\bar{C}) on a mass-weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{Q[T]} \times \sum_{i=1}^n Q[i] \times C[i]$$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw.

i = Individual determination sample "i" of the hazardous waste.

n = Total number of waste determinations samples of the hazardous waste collected ~~(at least 4)~~ for the averaging period (not to exceed 1 year).

Q[i] = Mass quantity of the hazardous waste stream represented by C[i], in kg/hr.

Q[T] = Total mass quantity of hazardous waste during the averaging period, in kg/hr.

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$C[i]$ = Measured VO concentration of waste determinations sample "i", as determined in accordance with the requirements of subsection (b)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii) of this Section), in ppmw.

E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C) of this Section, compliance shall be determined based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

4) Procedure to determine the exit concentration limit ($C[t]$) for a treated hazardous waste.

- A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.
- B) If a single hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the exit concentration limit ($C[t]$) must be 500 ppmw.
- C) If more than one hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section. The exit concentration limit ($C[t]$) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C[t] = \frac{\sum_{x=1}^m (Q[x] \times \bar{C}[x]) + \sum_{y=1}^n (Q[y] \times 500 \text{ ppmw})}{\sum_{x=1}^m Q[x] + \sum_{y=1}^n Q[y]}$$

Where:

$C[t]$ = Exit concentration limit for treated hazardous waste, in ppmw.

x = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500

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ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

m = Total number of "x" hazardous waste streams treated by process.

n = Total number of "y" hazardous waste streams treated by process.

$Q[x]$ = Annual mass quantity of hazardous waste stream "x", in kg/yr.

$Q[y]$ = Annual mass quantity of hazardous waste stream "y", in kg/yr.

$\bar{C}[x]$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

5) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.

A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.

B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B) of this Section, using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process ($Q[b]$) and the mass quantity of each hazardous waste stream exiting the process ($Q[a]$) must be determined.

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process ($C[b]$) during the run must be determined in accordance with the requirements of subsections (a)(3) of this Section. The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process ($C[a]$) during the run must be determined in accordance with the requirements of subsection (b)(3) of this Section.

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- D) The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be calculated by using the results determined in accordance with subsection (b)(5)(C) of this Section and the following equations:

$$E[b] = \frac{1}{10(6)} \sum_{j=1}^m Q[bj] \times C[bj]$$

$$E[a] = \frac{1}{10(6)} \sum_{j=1}^m Q[aj] \times C[bj]$$

Where:

E[a] = Waste volatile organic mass flow exiting the process, in kg/hr.

E[b] = Waste volatile organic mass flow entering the process, in kg/hr.

m = Total number of runs (at least 3)

j = Individual run "j"

Q[bj] = Mass quantity of hazardous waste entering the process during run "j", in kg/hr.

Q[aj] = Average mass quantity of waste exiting the process during run "j", in kg/hr.

C[aj] = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection(b)(3) of this Section, in ppmw.

C[bj] = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection 725.984 (a)(3) of this Section, in ppmw.

- E) The organic reduction efficiency of the process must be

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calculated by using the results determined in accordance with subsection (b)(5)(D) of this Section and the following equation:

$$R = \frac{E[b] - E[a]}{E[b]} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent.

E[b] = Waste volatile organic mass flow entering the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

- 6) Procedure to determine the organic biodegradation efficiency (R[bio]) for a treated hazardous waste.

A) The fraction of organics biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) The organic biodegradation efficiency (R[bio]) must be calculated by using the following equation:

$$R[bio] = F[bio] \times 100\%$$

Where:

R[bio] = Organic biodegradation efficiency, in percent.

F[bio] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A) of this Section.

- 7) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this

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- C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.
- D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$RMR = \sum_{y=1}^n \left[V[y] \times k[y] \times \frac{(\bar{C}[y] - 500 \text{ ppmw})}{10(6)} \right]$$

Where:

RMR = Required organic mass removal rate, in kg/hr.

y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

n = Total number of "y" hazardous waste streams treated by process.

V[y] = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m(3)/hr.

k[y] = Density of hazardous waste stream "y", in kg/m(3)

$\bar{C}[y]$ = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

- 8) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.

- A) The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste volatile organic mass flow entering the process

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(E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.

- C) The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) of this Section and the following equation:

$$MR = E[b] - E[a]$$

Where:

MR = Actual organic mass removal rate, in kg/hr.

E[b] = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

- 9) Procedure to determine the actual organic mass biodegradation rate (MR[bio]) for a treated hazardous waste.

- A) The actual organic mass biodegradation rate (MR[bio]) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste organic mass flow entering the process (E[b]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.
- C) The fraction of organic biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR Part 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.
- D) The actual organic mass biodegradation rate (MR[bio]) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C) of this Section and the following equation:

$$MR[bio] = E[b] \times F[bio]$$

Where:

MR[bio] = Actual organic mass biodegradation rate,

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in kg/hr.

E[b] = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

F[bio] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C) of this Section.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).
- 2) An owner or operator shall use either direct measurement, as specified in subsection (c)(3) of this Section, or knowledge of the waste, as specified by subsection (c)(4) of this Section, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.
- 3) Direct measurement to determine the maximum organic vapor pressure of a hazardous waste.

A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

- i) Method 25E in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111;

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- ii) Methods described in American Petroleum Institute Publication 2517, incorporated by reference in 35 Ill. Adm. Code 720.111;
- iii) Methods obtained from standard reference texts;
- iv) ASTM Method D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or
- v) Any other method approved by the Agency.

- 4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) Procedure for determining no detectable organic emissions for the purpose of complying with this Subpart:

- 1) The test must be conducted in accordance with the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.
- 2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.
- 3) The detection instrument must meet the performance criteria of Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.
- 4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code

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- 5) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppmv hydrocarbon in air), and
 - B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.
- 6) The background level must be determined according to the procedures in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.
- 8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9) of this Section. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.
- 9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmv. If the difference is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 23 Ill. Reg. _____, effective
JAN 19 1993)

Section 725.985 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 725.983(b) references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:
 - 1) The owner or operator shall determine the maximum organic vapor

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- 1) For a tank that manages hazardous waste which meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.
 - A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:
 - i) For a tank design capacity equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psia or 39 mm Hg);
 - ii) For a tank design capacity equal to or greater than 75 m(3) (2649 ft(3) or 19,810 gal), but less than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.0 psia or 207 mm Hg); or
 - iii) For a tank design capacity is less than 75 m(3) (2649 ft(3) or 19,810 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psia or 574 mm Hg).
 - B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.
 - C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in Section 725.981.
- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include the following: a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A) of this Section.
 - c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:
 - 1) The owner or operator shall determine the maximum organic vapor

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pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 725.984(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.

2) The tank must be equipped with a fixed roof designed to meet the following specifications:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

C) Either of the following must be true of each Each opening in the fixed roof and of any manifold system associated with the fixed roof must be either:

i) The opening or manifold system is equipped **Equipped** with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

ii) The opening or manifold system is connected **Connected** by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E).

D) The fixed roof and its closure devices must be made of **made** suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the hazardous waste or its

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vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

E) The control device operated pursuant to subsection (c)(2)(C) of this Section needs not remove or destroy organics in the vent stream under the following conditions:

i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and

ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for the removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) are derived from 40 CFR 265.985(c)(2)(iii)(B)(i) and (c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications.

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The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations; applicable regulations; fire protection and prevention codes; standard engineering codes and practices; or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements:

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in subsection (l) of this Section.

- C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

- d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following tanks:

- 1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;

- 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;

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- 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;

- 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or

- 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.

- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.

- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

- A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

- B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

- i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981; or

- ii) Two continuous seals mounted one of this Section the other. The lower seal may be a vapor-mounted seal.

- C) The internal floating roof must meet the following specifications:

- i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

- ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.

- iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.

- iv) Each automatic bleeder vent and rim space vent must be gasketed.

- v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

- vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed

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roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

- 2) The owner or operator shall operate the tank in accordance with the following requirements:

- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
- B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
- C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:

- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.

- B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:

- i) Visually inspect the internal floating roof components through openings on the fixed roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
- ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.

- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals,

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gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.

- ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

- E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

- 4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

- f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

- 1) The owner or operator shall design the external floating roof in accordance with the following requirements:

- A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

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The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations; applicable regulations; fire protection and prevention codes; standard engineering codes and practices; or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

C) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in subsection (l) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;

2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;

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3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;

4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or

5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.

e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.

1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981; or

ii) Two continuous seals mounted one of this Section the other. The lower seal may be a vapor-mounted seal.

C) The internal floating roof must meet the following specifications:

i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.

iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.

iv) Each automatic bleeder vent and rim space vent must be gasketed.

v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed

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roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

- 2) The owner or operator shall operate the tank in accordance with the following requirements:

- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
- B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
- C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:

- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.

- B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:

- i) Visually inspect the internal floating roof components through openings on the fixed roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
- ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.

- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals,

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gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.
- ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

- E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

- 4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

- f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

- 1) The owner or operator shall design the external floating roof in accordance with the following requirements:

- A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

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- B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.
- i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter (10.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 inches). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters above the liquid surface.
- ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm(2) per meter (1.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 inch).
- C) The external floating roof must meet the following specifications:
- i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.
 - ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.
 - iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.
 - iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
 - v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.
 - vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.
 - vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

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- viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.
- ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.
 - C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
 - D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
 - F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
 - G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
 - H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
 - i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
 - ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and,

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- thereafter, at least once every year.
- iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.
- iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure set forth in subsection (f)(4)(D) of this Section.
- v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator must repair the defect in accordance with the requirements of subsection (k) of this Section.
- vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).
- B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:
- i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
- ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.
- iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
- iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).
- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator shall

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notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
- ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank except when an inspection is not planned, as provided for in subsection (f)(3)(C)(iii) of this Section.
- iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.
- D) Procedure for determining gaps in the primary seal and in the secondary seal for the purposes of subsection (f)(3)(A)(iv) of this Section:
- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
- ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32-cm (1/4-inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
- iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the

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Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of a tank.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date

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actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from correspond-with 40 CFR 265.1085(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (f).

g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life.

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that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements.

1) The tank shall be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 725.984(d).

3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere except in the event that a safety device, as defined in Section 725.981, is required to open to avoid an unsafe condition.

i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in subsections (i)(1) through (i)(4) of this Section.

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of

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subsections (i)(1) and (i)(2) of this Section.

4) The owner or operator shall inspect and monitor the closed-vent system and control device, as specified in Section 725.988.

j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 725.986 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination.

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2).

C) The hazardous waste meets the requirements of Section 725.983(c)(4).

k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsections (c)(4), (e)(3), (f)(3), or (g)(3) of this Section as follows:

1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

1) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

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- 1) Where inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
 - A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
 - B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.

- 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 23 Ill. Reg. 1850.1, effective JAN 18 1995)

Section 725.986 Standards: Surface Impoundments

- a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 725.983(b) of this Subpart references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:
 - 1) A floating membrane cover in accordance with the provisions specified in subsection (c) of this Section; or
 - 2) A cover that is vented through a closed-vent system to a control device in accordance with the requirements provisions specified in subsection (d) of this Section.
- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) of this Section.
 - 1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:
 - A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
 - B) The cover must be fabricated from a synthetic membrane material that is either:
 - i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.10 inch); or
 - ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material.

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- 2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position except as follows:
 - A) Opening of closure devices or removal of the cover is allowed at the following times:
 - i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a

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hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable.

ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that

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when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 725.984(d).

C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere to the extent practical, and which will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction for and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

ii) To remove accumulated sludge or other residues from the bottom of the surface impoundment.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

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- 1) Where inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
 - A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
 - B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.

- 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 23 Ill. Reg. 1850, effective JAN 18 1983)

Section 725.986 Standards: Surface Impoundments

- a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 725.983(b) of this Subpart references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:
 - 1) A floating membrane cover in accordance with the provisions specified in subsection (c) of this Section; or
 - 2) A cover that is vented through a closed-vent system to a control device in accordance with the requirements provisions specified in subsection (d) of this Section.
- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) of this Section.
 - 1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:
 - A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
 - B) The cover must be fabricated from a synthetic membrane material that is either:
 - i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.10 inch); or
 - ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material.

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- 2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position except as follows:
 - A) Opening of closure devices or removal of the cover is allowed at the following times:
 - i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a

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hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable.

ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that

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when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 725.984(d).

C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere to the extent practical, and which will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction for and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

ii) To remove accumulated sludge or other residues from the bottom of the surface impoundment.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

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3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:
A) The surface impoundment cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.
C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.
D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.
E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).
e) The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:
1) Transfer of hazardous waste, except as provided in subsection (e)(2) of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 725.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, Subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.
2) The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under any other of the following conditions:
A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination.
B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in

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Section 725.983(c)(2).
C) The hazardous waste meets the requirements of Section 725.983(c)(4).
f) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) of this Section as follows:
1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2) of this Section.
2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
g) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 23 Ill. Reg. 1850, effective JAN 19 1993)

Section 725.987 Standards: Containers

- a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 725.983(b) references the use of this Section for such air emission control.
b) General requirements.
1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the

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following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

- A) For a container having a design capacity greater than 0.46m(3) (26 gal) and less than or equal to 0.46m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
 - B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
 - C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.
- 2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.
- c) Container Level 1 standards.
- 1) A container using Container Level 1 controls is one of the following:
 - A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.
 - B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).
 - C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere.

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atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

- 2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability, the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.
- 3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:
 - A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:
 - i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
 - ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.
 - B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:
 - i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill.

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Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the container internal pressure in accordance with the design specifications of the container. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

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E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722.220 Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar

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days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- 5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal) or greater, which do not meet applicable USDOT regulations as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

- d) Container Level 2 standards.
 - 1) A container using Container Level 2 controls is one of the following:

- A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

- B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

- C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

- 2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

- 3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position except as follows:

- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

- i) In the case when the container is filled to the

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intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the

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- cover, as applicable to the container.
- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.
- E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied ~~firey-does-not-meet-the-conditions for-an-empty-container-as-specified-in--35--311--Adm--Code 721.107(b)~~ within 24 hours after the container arrives at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform

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Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722.107(b)(1). If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

- B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

- C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- e) Container Level 3 standards.
- 1) A container using Container Level 3 controls is one of the following:

- A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.
- B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.
- 2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:
- A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or

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electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices, as specified in Section 725.988.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 725.990(d).

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as follows:

1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers--General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packaging", each incorporated by reference in 35 Ill. Adm. Code 720.111.

3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.

4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

g) To determine compliance the owner or operator shall use the procedure specified in Section 725.984(d) for determining a container operates with the no detectable organic emissions requirements of for--the

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purpose--of--complying--with subsection (d)(1)(B) of this Section, the procedure specified in Section 725.984(d) must be used.

1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

h) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.

1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 23 Ill. Reg. 1850, effective JAN 14 1986)

Section 725.988 Standards: Closed Vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.

b) The closed-vent system must meet the following requirements:

1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) of this Section.

2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 725.933(j).

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3) When the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator as specified in subsection (b)(3)(A) of this Section or a seal or locking device as specified in subsection (b)(3)(B) of this Section. For the purpose of complying with this subsection, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices.

A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this subsection, a flow indicator means a device which indicates the presence of either gas or vapor flow in the bypass line.

B) If a seal or locking device is used to comply with this subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(k).

c) The control device must meet the following requirements:

1) The control device must be one of the following devices:

A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

B) An enclosed combustion device designed and operated in accordance with the requirements of Section 725.933(c); or

C) A flare designed and operated in accordance with the requirements of Section 725.933(d).

2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section shall comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(G) of this Section.

A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection subsections (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must

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not exceed 240 hours per year.

B) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during periods of planned routine maintenance.

C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during a control device system malfunction.

D) The owner or operator shall demonstrate compliance with the requirements of subsection (c)(2)(A) of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection subsections (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 725.990(e)(1)(E).

E) The owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.

F) The owner or operator shall operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 725.933(g) or 725.933(h).

B) All carbon that is a hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 725.933(m), regardless of the average volatile organic concentration of the carbon.

4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the requirements of Section 725.933(i).

5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) of this Section as follows:

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- A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) of this Section, or a design analysis, as specified in subsection (c)(5)(D) of this Section, the performance of each control device except for the following:

- i) A flare;
- ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
- iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;
- iv) A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H; or
- v) A boiler or industrial furnace burning hazardous waste for which the owner or operator has designed and operates in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

- B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 725.933(e).

- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) of this Section, the owner or operator shall use the test methods and procedures specified in Section 725.934(c)(1) through (c)(4).

- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section, the design analysis must meet the requirements specified in Section 725.935(b)(4)(C).

- E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

- 6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section. The Agency may choose to have an authorized representative observe the performance test.

- 7) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.933(f)(2) and (k). The readings from each monitoring device required by Section

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725.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 23 Ill. Reg. effective 1850, effective JAN 18 1992)

Section 725.990 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to the requirements in this Subpart shall record and maintain the information specified in subsections (b) through (j) †† of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsection (i) †† of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections subsection (i) and (j) of this Section must be maintained in the operating record for as long as the waste management unit tank-or container is not using air emission controls specified in Sections 725.985 through 725.988 724-984-through-724-987, in accordance with the conditions specified in Section 725.980(d) or (b)(7), respectively 724-984†d).

- b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 725.985 shall prepare and maintain records for the tank that include the following information:

- 1) For each tank using air emission controls in accordance with the requirements of Section 725.985 of this Subpart, the owner or operator shall record:

- A) A tank identification number (or other unique identification description as selected by the owner or operator).
- B) A record for each inspection required by Section 725.985 that includes the following information:

- i) Date inspection was conducted.
- ii) For each defect detected during the inspection, the following-information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.985, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

- 2) In addition to the information required by subsection (b)(1) of

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this Section, the owner or operator shall record the following information, as applicable to the tank:

- A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 725.985(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 725.985(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.
- B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(e) shall prepare and maintain documentation describing the floating roof design.
- C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(f) shall prepare and maintain the following records:
 - i) Documentation describing the floating roof design and the dimensions of the tank.
 - ii) Records for each seal gap inspection required by Section 725.985(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 725.985(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.
- D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 725.985(i) shall prepare and maintain the following records:
 - i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- c) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 725.986 shall prepare and maintain records for the surface impoundment that include

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the following information:

- 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
- 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(c).
- 3) A record for each inspection required by Section 725.986 that includes the following information:
 - A) Date inspection was conducted.
 - B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.986(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
- 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e) of this Section.
- d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 725.987 shall prepare and maintain records that include the following information:
 - 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 725.988 shall prepare and maintain records that include the following information:
 - 1) Documentation for the closed-vent system and control device that includes:
 - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface

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- A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) of this Section, or a design analysis, as specified in subsection (c)(5)(D) of this Section, the performance of each control device except for the following:
- A flare;
 - A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
 - A boiler or process heater into which the vent stream is introduced with the primary fuel;
 - A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H; or
 - A boiler or industrial furnace burning hazardous waste for which the owner or operator has designed and operates in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 725.933(e).
- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) of this Section, the owner or operator shall use the test methods and procedures specified in Section 725.934(c)(1) through (c)(4).
- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section, the design analysis must meet the requirements specified in Section 725.935(b)(4)(C).
- E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section. The Agency may choose to have an authorized representative observe the performance test.
- 7) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.933(f)(2) and (k). The readings from each monitoring device required by Section

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725.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 23 Ill. Reg. 1850, effective JAN 18 1995)

Section 725.990 Recordkeeping Requirements

- Each owner or operator of a facility subject to the requirements in this Subpart shall record and maintain the information specified in subsections (b) through (j) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsection (i) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections (i) and (j) of this Section must be maintained in the operating record for as long as the waste management unit tank-or container is not using air emission controls specified in Sections 725.985 through 725.988 724-984-through-724-987, in accordance with the conditions specified in Section 725.980(d) or (b)(7), respectively 724-984(d).
 - The owner or operator of a tank using air emission controls in accordance with the requirements of Section 725.985 shall prepare and maintain records for the tank that include the following information:
 - For each tank using air emission controls in accordance with the requirements of Section 725.985 of this Subpart, the owner or operator shall record:
 - A tank identification number (or other unique identification description as selected by the owner or operator).
 - A record for each inspection required by Section 725.985 that includes the following information:
 - Date inspection was conducted.
 - For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and the corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.985, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
- 2) In addition to the information required by subsection (b)(1) of

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this Section, the owner or operator shall record the following information, as applicable to the tank:

- A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 725.985(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 725.985(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.
- B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(e) shall prepare and maintain documentation describing the floating roof design.
- C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(f) shall prepare and maintain the following records:
 - i) Documentation describing the floating roof design and the dimensions of the tank.
 - ii) Records for each seal gap inspection required by Section 725.985(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 725.985(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.
- D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 725.985(i) shall prepare and maintain the following records:
 - i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- c) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 725.986 shall prepare and maintain records for the surface impoundment that include

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the following information:

- 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
- 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(c).
- 3) A record for each inspection required by Section 725.986 that includes the following information:
 - A) Date inspection was conducted.
 - B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.986(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
- 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e) of this Section.
- d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 725.987 shall prepare and maintain records that include the following information:
 - 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 725.988 shall prepare and maintain records that include the following information:
 - 1) Documentation for the closed-vent system and control device that includes:
 - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface

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- impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur. If a design analysis is used, then design documentation, as specified in Section 725.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 725.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
- C) If performance tests are used, then a performance test plan as specified in Section 725.935(b)(3) and all test results.
- D) Information as required by Section 725.935(c)(1) and (c)(2), as applicable.
- E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
- i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.
- ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
- F) An owner or operator shall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
- i) The occurrence and duration of each malfunction of the control device system.
- ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
- iii) Actions taken during periods of malfunction to restore

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- a malfunctioning control device to its normal or usual manner of operation.
- G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(c)(3)(B).
- F) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 725.983(c) of this Subpart shall prepare and maintain the following records, as applicable:
- 1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 725.983(c)(1) or 725.984(c)(2)(A) through (c)(2)(F) ~~of this Subpart~~, the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of Section 725.984 of this Subpart.
- 2) For tanks, surface impoundments, or containers exempted under the provisions of Section 725.983(c)(2)(G) or (c)(2)(H) ~~of this Subpart~~, the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.
- g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 725.985(1) shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.
- h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 270.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.
- i) For each tank or container not using air emission controls specified in Sections 725.985 through 725.988 in accordance with the conditions specified in Section 725.980(d), the owner or operator shall record and maintain the following information:
- 1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 725.980(d)(1).
- 2) A description of how the hazardous waste containing the organic

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peroxide compounds identified pursuant to subsection (i)(1) are managed at the facility in tanks and containers. This description must include the following information:

A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedure used to ultimately dispose of the hazardous waste managed in the tanks.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each container: a facility identification number for the container or group of containers; the purpose and placement of this container or group of containers in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste handled in the containers.

3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section in the tanks or containers identified pursuant to subsection (i)(2) of this Section would create an undue safety hazard if the air emission controls specified in Sections 725.985 through 725.988 were installed and operated on these waste management units. This explanation must include the following information:

A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of containers equipped with these air emission

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controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

i) For each hazardous waste management unit not using air emission controls specified in Sections 725.985 through 725.988 in accordance with the provisions of Section 725.980(b)(7), the owner and operator shall record and maintain the following information:

1) The certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air regulation codified under 40 CFR 60, 61, or 63.

2) An identification of the specific federal requirements codified under 40 CFR 60, 61, or 63 with which the waste management unit is in compliance.

(Source: Amended at 23 Ill. Reg. 1850, effective JAN 19 1993)

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Section 725. APPENDIX F Compounds With Henry's Law Constant Less Than 0.1 Y/X
(at 25°C)

Compound name	CAS No.
Acetaldol	107-89-1
Acetamide	60-35-5
2-Acetylaminofluorene	53-96-3
3-Acetyl-5-hydroxypiperidine	618-42-8
3-Acetylpyridine	591-08-2
1-Acetyl-2-thiourea	79-06-1
Acrylamide	79-10-7
Adenine	73-24-5
Adipic acid	124-04-9
Adiponitrile	111-69-3
Alachlor	15972-60-8
Aldicarb	116-06-3
Ametryn	834-12-8
4-Aminobiphenyl	92-67-1
4-Aminopyridine	504-24-5
Aniline	62-53-3
o-Anisidine	90-04-0
Antraquinone	84-65-1
Atrazine	1912-24-9
Benzenearsonic acid	98-05-5
Benzenesulfonic acid	98-11-3
Benzone	92-87-5
Benzo(a)anthracene	56-55-3
Benzo(k)fluoranthene	207-08-9
Benzoic acid	65-85-0
Benzo(g,h,i)perylene	191-24-2
Benzo(a)pyrene	50-32-8
Benzyl alcohol	100-51-6
gamma-BHC	58-89-9
Bis(2-ethylhexyl)phthalate	117-81-7
Bromochloromethyl acetate	1689-84-5
Bromoxynil [3,5-Dibromo-4-hydroxybenzonitrile]	107-92-6
Butyric acid	107-92-6
Caprolactam (hexahydro-2H-azepin-2-one)	105-60-2
Catechol (o-dihydroxybenzene)	120-80-9
Cellulose	9004-34-6
Cell wall	
Chlorhydrin (3-Chloro-1,2-propanediol)	96-24-2
Chloroacetic acid	79-11-8
2-Chloroacetophenone	93-76-5
p-Chloroaniline	106-47-8
p-Chlorobenzophenone	134-85-0

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Chlorobenzilate	510-15-6
p-Chloro-m-cresol (6-chloro-m-cresol)	59-50-7
3-Chloro-2,5-diketopyrrolidine	
Chloro-1,2-ethane diol	
4-Chlorophenol	106-48-9
Chlorophenol polymers (2-chlorophenol & 4-chlorophenol)	95-57-8 & 106-48-9
1-(o-Chlorophenyl)thiourea	
Chrysene	5344-82-1
Citric acid	218-01-9
Creosote	77-92-9
m-Cresol	8001-58-9
o-Cresol	108-39-4
p-Cresol	95-48-7
Cresol (mixed isomers)	106-44-5
4-Cumylphenol	1319-77-3
Cyanide	27576-86
4-Cyanomethyl benzoate	57-12-5
Diazinon	333-41-5
Dibenzo(a,h)anthracene	53-70-3
3,5-Dibromo-4-hydroxybenzonitrile	1689-84-5
Dibutylphthalate	84-74-2
2,5-Dichloroaniline (N,N'-dichloroaniline)	95-82-9
2,6-Dichlorobenzonitrile	1194-65-6
2,6-Dichloro-4-nitroaniline	99-30-9
2,5-Dichlorophenol	333-41-5
3,4-Dichlorotetrahydrofuran	3511-19
Dichlorvos (DDVP)	52-73-7106-47-8
Diethanolamine	111-42-2
N,N-Diethylaniline	91-66-7
Diethylene glycol	111-46-6
Diethylene glycol dimethyl ether (dimethyl Carbitol)	111-96-6
Diethylene glycol monobutyl ether (butyl Carbitol)	112-34-5
Diethylene glycol monoethyl ether acetate (Carbitol acetate)	112-15-2
Diethylene glycol monoethyl ether (Carbitol Cellosolve)	111-90-0
Diethylene glycol monomethyl ether (methyl Carbitol)	111-77-3
N,N'-Diethylhydrazine	1615-80-1
Diethyl (4-methylumbelliferyl)thionophosphate	299-45-6
Diethylphosphorothioate	126-75-0
N,N'-Diethylpropionamide	15299-99-7
Dimethoate	60-51-5
2,3-Dimethoxystyrylnidino-10-one	357-57-3
4-Dimethylaminoazobenzene	60-11-7
7,12-Dimethylbenz(a)anthracene	57-97-6
3,3-Dimethylbenzidine	119-93-7

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Dimethylcarbomoyl chloride	79-44-7
Dimethylsulfide	624-92-0
Dimethylformamide	68-12-2
1,1-Dimethylhydrazine	57-14-7
Dimethylphthalate	131-11-3
Dimethylsulfone	67-71-0
Dimethylsulfoxide	67-68-5
2,3-Bimethoxystrychnidin-10-one	357-57-3
4,6-Dinitro-o-cresol	534-52-1
1,2-Diphenylhydrazine	122-66-7
Dipropylene glycol (1,1'-oxydi-2-propanol)	110-98-5
Endrin	72-20-8
Epinephrine	51-43-4
Mono-Ethanolamine	141-43-5
Ethyl carbamate (urethane)	51-79-6
Ethylene glycol	107-21-1
Ethylene glycol monobutyl ether (butyl Cellosolve)	111-76-2
Ethylene glycol monoethyl ether (Cellosolve)	110-80-5
Ethylene glycol monoethyl ether acetate (Cellosolve acetate)	111-15-9
Ethylene glycol monomethyl ether (methyl Cellosolve)	109-86-4
Ethylene glycol monophenyl ether (phenyl Cellosolve)	122-99-6
Ethylene glycol monopropyl ether (propyl Cellosolve)	2807-30-9
Ethylene thiourea (2-imidazolidinethione)	9-64-57
4-Ethylmorpholine	100-74-3
3-Ethylphenol	620-17-7
Fluoroacetic acid, sodium salt	62-74-8
Formaldehyde	50-00-0
Formamide	75-12-7
Formic acid	64-18-6
Fumaric acid	110-17-8
Glutaric acid	110-94-1
Glycerin (Glycerol)	56-81-5
Glycidol	556-52-5
Glycinamide	598-41-4
Glyphosate	1071-83-6
Guthion	86-50-0
Hexamethylene-1,6-diisocyanate (1,6-diisocyanatohexane)	822-06-0
Hexamethyl phosphoramide	680-31-9
Hexanoic acid	142-62-1
Hydrazine	302-01-2
Hydrocyanic acid	74-90-8
Hydroquinone	123-31-9
Hydroxy-2-propionitrile (hydracrylonitrile)	109-78-4
Indeno(1,2,3-cd)pyrene	193-39-5
Lead acetate	301-04-2
Lead subacetate (lead acetate, monobasic)	1335-32-6
Leucine	61-90-5

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Malathion	121-75-5
Maleic acid	110-16-7
Maleic anhydride	108-31-6
Mesityl oxide	141-79-7
Methane sulfonic acid	75-75-2
Methomyl	16752-77-5
p-Methoxyphenol	150-76-5
Methylacrylate	96-33-3
4,4'-Methylene-bis-(2-chloroaniline)	101-14-4
4,4'-Methylenediphenyl diisocyanate (diphenyl methane diisocyanate)	101-68-8
4,4'-Methylenedianiline	101-77-9
Methylene diphenylamine (MDA)	
5-Methylfurfural	620-02-0
Methylhydrazine	60-34-4
Methyliminoacetic acid	
Methyl methane sulfonate	66-27-3
1-Methyl-2-methoxyaziridine	
Methylparathion	298-00-0
Methyl sulfuric acid (sulfuric acid, dimethyl ester)	77-78-1
4-Methylthiophenol	106-45-6
Monoethanolamine	141-43-5
Monomethylformamide (N-methylformamide)	123-39-7
Nabam	142-59-6
a-Naphthol	90-15-3
B-Naphthol	135-19-3
a-Naphthylamine	134-32-7
B-Naphthylamine	91-59-8
Neopentyl glycol	126-30-7
Niacinamide	98-92-0
O-Nitroaniline	88-74-4
Nitroglycerin	55-63-0
2-Nitrophenol	88-75-5
4-Nitrophenol	100-02-7
N-Nitrosodimethylamine	674-81-7
Nitrosoguanidine	684-93-5
N-Nitroso-n-methylurea	59-89-2
N-Nitrosomorpholine (4-nitrosomorpholine)	144-62-7
Oxalic acid	56-38-2
Parathion	115-77-5
Pentaerythritol	62-44-2
Phenacetin	108-95-2
Phenol	103-82-2
Phenylacetic acid	108-45-2
m-Phenylene diamine	95-54-5
o-Phenylene diamine	106-50-3
p-Phenylene diamine	62-38-4
Phenyl mercuric acetate	

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Phorate 298-02-2
 Phthalic anhydride 85-44-9
 a-Picoline (2-methyl pyridine) 109-06-8
 1,3-Propane sulfone 1120-71-4
 b-Propiolactone 57-57-8
 Proporur (Baygon) 57-55-6
 Propylene glycol 129-00-0
 Pyrene 39416-48-3
 Pyridinium bromide 91-22-5
 Quinoline 106-51-4
 Quinone (p-benzoquinone) 108-46-3
 Resorcinol 122-34-9
 Simazine 127-09-3
 Sodium acetate 141-53-7
 Sodium formate 57-24-9
 Strychnine 110-15-6
 Succinic acid 123-56-8
 Succinimide 121-47-1
 Sulfanilic acid 100-21-0
 Terephthalic acid 3689-24-5
 Tetraethyldithiopyrophosphate 112-57-2
 Tetraethylenepentamine 39196-18-4
 Thiofanox 79-19-6
 Thiosemicarbazide 95-80-7
 2,4-Toluenediamine 823-40-5
 2,6-Toluenediamine 496-72-0
 3,4-Toluenediamine 584-84-9
 2,4-Toluene diisocyanate 99-94-5
 p-Toluic acid 108-44-1
 m-Toluidine 76-13-1
 1,1,2-Trichloro-1,2,2-trifluoroethane 102-71-6
 Triethanolamine 24800-44-0
 Triethylene glycol dimethyl ether 81-81-2
 Warfarin 95-65-8
 3,4-Xylenol (3,4-dimethylphenol)

(Source: Amended at 23 Ill. Reg. 1850 effective JAN 19 1993)

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- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 728
- 3) Section Numbers: Adopted Action:
 728.102 Amended
 728.103 Amended
 728.104 Amended
 728.107 Amended
 728.133 Added
 728.134 Added
 728.135 Added
 728.140 Amended
 728.142 Amended
 728.144 Amended
 728.145 Amended
 728.149 Added
 728.App. G Amended
 728.App. H Amended
 728.Table I Amended
 728.Table T Amended
 728.Table U Amended
- 4) Statutory Authority: 415 ILCS 5/22.4, and 27
- 5) Effective Date of Amendments: January 19, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 728 includes a number of documents incorporated by reference, none of those incorporations are amended by the present amendments.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file at the Board's principal office and is available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: October 16, 1998, 22 Ill. Reg. 18481
- 10) Has JCAR issued a Statement of Objections to these rules? No. Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c) and 22.4(a)) provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

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- 11) Differences between proposal and final version: The following table indicates the revisions made to the text of the amendments since the Board's September 17, 1998 proposal for public comment:

728-Source Note Added completed citation information for R97-21/R98-3/R98-5

728.102 "CERCLA" Changed "U.S.C." to "USC"

728.102 "debris" Changed "q" to "percent"

728.102 "underlying hazardous constituent" Changed format of reference to "Table U of this Part"

728.102 "wastewaters" Changed "q" to "percent" (twice)

728.103(c)(3) Changed "Btu" to "Btu"

728.104(a)(2)(B) Deleted unnecessary conjunction "or"

728.104(a)(3) Removed underlining from words "any of the following conditions is fulfilled" already on file

728.107(a)(1) Changed format of references to "Table T of this Part" and "Table C of this Part"

728.107(a)(2) Changed format of reference to "Table I of this Part"

728.107(a)(2)(A) Replaced brackets with parentheses (twice)

728.107(a)(3)(A) Changed format of reference to "Table I of this Part"

728.107(a)(3)(B) Changed format of reference to "Table I of this Part"

728.107(a)(4) Changed format of reference to "Table I of this Part"

728.107(a)(5) Changed format of reference to "Table F of this Part"

728.107(a)(7) Changed comma to semicolon to separate series elements

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728.107(a)(9)(A) Changed format of reference to "Table I of this Part"

728.107(b)(3)(B) Added ending periods to all entries; replaced brackets with parentheses in entry 5 (three times)

728.107(b)(4) certification Corrected cross-reference to "35 Ill. Adm. Code 728.149"

728.107(b)(4)(B) Changed format of reference to "Table F of this Part"

728.107(b)(4)(D) table Changed format of references to "Table T of this Part" and "Table T of that Part"

728.107(b)(4)(E) Added "in" before "Section"; added conjunction "and" before "to treat"; changed format of references to "Table T of this Part", "Table U of this Part", "Table T of that Part", and "Table U of that Part"; corrected cross-reference to "Section 728.148"

728.107(d) Changed format of reference to "Table F of this Part"

728.107(d)(1)(C) Changed format of reference to "Table F of this Part"

728.107(d)(3) Changed format of reference to "Table F of this Part"

728.133(a) Removed unnecessary comma from between "wastes" and "are"

728.133(b) Corrected to singular "do"

728.133(b)(4) Changed format of reference to "Table T of this Part"

728.133(b)(5) Corrected cross-reference to "Section 728.105"; corrected to plural "those"

728.133(c) Changed format of references to "Table T of this Part" and "Table U of this Part"

728.134(d) Added "of" after "disposed"

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728.134(f)	Changed format of references to "Table T of this Part" and "Table U of this Part"	728.144(h)(2)	Removed unnecessary "either"
728.135	Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal	728.144(h)(3)(A)(i)	Added comma after "lifetime"
728.140(a)	Changed format of references to "Table T of this Part" (twice)	728.144(h)(4)	Added "be" after "will"
728.140(a)(3)	Changed format of reference to "Table C of this Part"	728.144(o)	Changed format of references to "Table H of this Part" (twice) and "Table B of this Part"
728.140(d)	Changed format of reference to "Table T of this Part" (twice)	728.145(a)(1)	Changed format of reference to "Table F of this Part"
728.140(d)(3)	Changed format of reference to "Table T of this Part" (twice)	728.145(a)(2)	Changed format of reference to "Table F of this Part"
728.140(e)	Changed format of references to "Table T of this Part" and "Table U of this Part"	728.145(a)(3)	Changed format of reference to "Table F of this Part"
728.140(h)	Added commas (two) to separate elements of a series	728.145(a)(4)	Changed format of reference to "Table F of this Part"
728.140(i)	Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal	728.145(b)(2)	Changed format of reference to "Table T of this Part"
728.142(a)	Changed format of references to "Table T of this Part" and "Table C of this Part"	728.145(c)	Changed format of references to "Table F of this Part" (twice)
728.142(a)(3)	Changed "&" to "percent"; changed format of reference to "Table C of this Part"	728.145(d)(3)	Changed format of reference to "Table T of this Part"
728.142(b)	Changed format of references to "Table F of this Part" (twice)	728.149(a)	Added periods (two) to entries where missing table
728.142(c)(2)	Changed format of reference to "Appendix D of this Part"	728.149(a) table note "**"	Changed format of reference to "Appendix G of this Part"
728.142(d)	Changed format of references to "Table T of this Part" (twice)	728.149(b)	Changed format of reference to "Table U of this Part"
728.144(a)(2)	Removed unnecessary "either"; changed indent level of note to subsection (a)(2); added period to "et seq."	728.149(c)	Corrected "paragraph" to "subsection"; changed format of reference to "Table U of this Part"
728.144(c)	Removed quotation marks from certification statement	728.149(c)(1)(C)	Changed format of reference to "Table U of this Part"; added capitalized "The"
		728.149(c)(3)(A)	Corrected subsection number and indent level; omitted comma after ending conjunction

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728.149(c)(3)(B) Corrected subsection number and indent level

728.149(d) Changed format of reference to "Table U of this Part"

728.149(e)(2)(A) Corrected subsection number and indent level

728.149(e)(2)(B) Corrected subsection number and indent level

728.Appendix G table 1 "D011" Omitted period at end of column two entry

728.Appendix G table 1 "D011" Added period at end of column three entry

728.Appendix G table 2 entry 12 Added period at end of column two entry

728.Appendix G table 2 entry 13 Added period at end of column two entry

728.Appendix H Board Note Changed indent level of note to full Section

728.Table I entry 8 Replaced brackets with parentheses (three times)

728.Table T K169 Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal

728.Table T K170 Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal

728.Table T K171 Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal

728.Table T K172 Amendments of August 6, 1998 (63 Fed. Reg. 42109) added since the proposal

728.Table T note 4 Changed format of reference to "Table C of this Part"

728.Table T Board Note Changed indent level of note to full Section

728.Table U note 3 Corrected cross-reference to "Section 728.140(d)"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR staff suggested revisions to the text of the rules that the Board has incorporated into the text.

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 17, 1998, in Board docket number R98-21/R99-2/R99-7, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699 USEPA extended the capacity variance from the (July 14, 1997) land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568 USEPA issued a second emergency extension of (August 28, 1997) the alternative treatment standards for carbamate wastes for one year, until August

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26, 1998.

62 Fed. Reg. 64503 (December 5, 1997)
USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656 (December 8, 1997)
USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503 (April 15, 1998)
USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595 (May 4, 1998)
USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963 (May 6, 1998)
USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555 (May 26, 1998)
USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781 (June 19, 1998)
USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147 (June 29, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has previously taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

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In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 37782 (July 14, 1998)
USEPA removed three amendments from its May 6, 1998 direct final rule relating to used oil contaminated with PCBs.

63 Fed. Reg. 42109 (August 6, 1998)
USEPA adopted new listings for five additional hazardous wastes from the petroleum refining industry, along with land disposal restrictions (LDRs) for these wastes.

63 Fed. Reg. 42580 (August 10, 1998)
USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998)
Technical amendments to the May 4, 1998, organo-bromine waste rules.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

63 Fed. Reg. 54356 (October 9, 1998)
USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394 (September 15, 1997)
USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756 (July 20, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

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Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

- 62 Fed. Reg. 48394
(September 15, 1997) Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.
- 62 Fed. Reg. 64503
(December 5, 1997) Clarification of when a treatment variance is available.
- 62 Fed. Reg. 64656
(December 8, 1997) Clarifying and corrective amendments to the Subpart CC rules.
- 63 Fed. Reg. 18503
(April 15, 1998) Pulp and paper industry sector standards.
- 63 Fed. Reg. 24595
(May 4, 1998) Organobromine chemicals waste rules.
- 63 Fed. Reg. 24963
(May 6, 1998) Used oil mixtures rules for PCB-contaminated oils.
- 63 Fed. Reg. 28555
(May 26, 1998) "Phase IV" land disposal restrictions.
- 63 Fed. Reg. 33781
(June 19, 1998) Hazardous waste combustion rules.
- 63 Fed. Reg. 35147
(June 29, 1998) Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 37782
(July 14, 1998) Removal of three amendments from the May 6, 1998 direct final rule.
- 63 Fed. Reg. 38756
(July 20, 1998) Correction to 40 C.F.R. 136.3(e), table.
- 63 Fed. Reg. 42109
(August 6, 1998) New hazardous waste listings and land disposal restrictions for wastes from the petroleum refining industry.
- 63 Fed. Reg. 42580
(August 10, 1998) Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.
- 63 Fed. Reg. 44146
(August 18, 1998) Correction to 40 C.F.R. 136.3(e), table.

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- 63 Fed. Reg. 46331
(August 31, 1998) Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 48124
(September 9, 1998) Extension of the Phase IV LDR compliance deadline.
- 63 Fed. Reg. 54356
(October 9, 1998) Changed the compliance deadline for the August 6, 1998 rules.

Specifically, the amendments to Part 728 include segments of the federal December 5, 1997, treatability variance clarifications, the May 4, 1998, organobromine waste rules, the May 26, 1998, Phase IV LDR amendments, and the corrections of June 29, August 31, and September 9, 1998.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 17, 1998, from Victoria Agyeman at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste Specific Prohibitions -- Wood Preserving Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes (Repealed)
728.133	Waste Specific Prohibitions--: Organobromine Wastes First--Third Wastes--(Repealed)
728.134	Waste Specific Prohibitions -- Toxicity Characteristic Metal Wastes Second-Third-Wastes--(Repealed)
728.135	Waste Specific Prohibitions -- Petroleum Refining Third-Third Wastes (Repealed)
728.136	Waste Specific Prohibitions -- Newly Listed Wastes (Repealed)
728.137	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated

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728.138	Waste-Specific Characteristic Wastes and Newly-Identified Organic By-Product and Chlorotoluene Production Wastes
728.139	Waste-Specific Prohibitions: End-of-pipe CWA, CWA-Equivalent, and Class I Nonhazardous Waste Injection Well Treatment Standards; Spent Aluminum Potliners; and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section	
728.140	Applicability of Treatment Standards
728.141	Treatment Standards Expressed as Concentrations in Waste Extract
728.142	Treatment Standards Expressed as Specified Technologies
728.143	Treatment Standards Expressed as Waste Concentrations
728.144	Adjustment of Treatment Standard
728.145	Treatment Standards for Hazardous Debris
728.146	Alternative Treatment Standards Based on HTMR
728.148	Universal Treatment Standards
728.149	Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section	
728.150	Prohibitions on Storage of Restricted Wastes

APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
APPENDIX B	Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
APPENDIX C	List of Halogenated Organic Compounds (Repealed)
APPENDIX D	Wastes Excluded from Lab Packs
APPENDIX E	Organic Lab Packs (Repealed)
APPENDIX F	Technologies to Achieve Deactivation of Characteristics
APPENDIX G	Federal Effective Dates
APPENDIX H	National Capacity LDR Variances for UIC Wastes
APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
APPENDIX K	Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to Section 728.103(c)

TABLE A	Constituent Concentrations in Waste Extract (CCWE)
TABLE B	Constituent Concentrations in Wastes (CCW)
TABLE C	Technology Codes and Description of Technology-Based Standards
TABLE D	Technology-Based Standards by RCRA Waste Code
TABLE E	Standards for Radioactive Mixed Waste
TABLE F	Alternative Treatment Standards for Hazardous Debris
TABLE G	Alternative Treatment Standards Based on HMTR
TABLE H	Wastes Excluded from CCW Treatment Standards

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TABLE I Generator Paperwork Requirements
TABLE T Treatment Standards for Hazardous Wastes
TABLE U Universal Treatment Standards (UTS)

AUTHORITY: Implementing Sections 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 11014, effective JAN 19 1999.

SUBPART A: GENERAL

Section 728.102 Definitions

When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material

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for which a specific treatment standard is provided in Subpart D of this Part, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"End-of-pipe" refers to the point where effluent is discharged to the environment.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721.Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

"Inorganic metal-bearing waste" is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Section 728.Appendix K.

"Inorganic solid debris" are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve and that require cutting or crushing or grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either dross or scoria).

Glassified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

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Metal cans, containers, drums, or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment.

Scrap metal, as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine, or cave or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1996), or similar regulations in other States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1996).

"Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the U.S. Soil Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal, processes and which is made up primarily of soil by volume based on visual inspection.

"Stormwater impoundments" are surface impoundments that receive wet weather flow and which receive process waste only during wet weather events.

"Underlying hazardous constituent" means any constituent listed in Section 728-Table U of this Part, "Universal Treatment Standards (UTS)", except fluoride, selenium, sulfides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

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"U.S. EPA" or "USEPA" means the United States Environmental Protection Agency.

"Wastewaters" are wastes that contain less than 1 percent ~~by~~ weight total organic carbon (TOC) and less than 1 percent ~~by~~ weight total suspended solids (TSS).

(Source: Amended JAN 19 1999 23 Ill. Reg. 1964, effective 1964.)

Section 728.103 Dilution Prohibited as a Substitute for Treatment

a) Except as provided in subsection (b) of this Section, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D of this Part, to circumvent the effective date of a prohibition in Subpart C of this Part, to otherwise avoid a prohibition in Subpart C of this Part, or to circumvent a land disposal restriction imposed by RCRA section 3004.

b) Dilution of waste that is hazardous only because it exhibits a characteristic of hazardous waste in a treatment system that treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309, that treats wastes in a CWA-equivalent treatment system, that treats wastes for purposes of pretreatment requirements under 35 Ill. Adm. Code 310 is not impermissible dilution for purposes of this Section unless a method other than DEACT has been specified in Section 728.140 as the treatment standard or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

c) Combustion of waste designated by any of the USEPA hazardous waste codes listed in Section 728-Appendix J is prohibited, unless the waste can be demonstrated to comply with one or more of the following criteria at the point of generation or after any bona fide treatment, such as cyanide destruction prior to combustion (unless otherwise specifically prohibited from combustion):

- 1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Section 728.148;
- 2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;
- 3) The waste has reasonable heating value, such as greater than or equal to 5000 Btu BTU per pound, at the point of generation;
- 4) The waste is co-generated with wastes for which combustion is a required method of treatment;
- 5) The waste is subject to any federal or state requirements

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necessitating reduction of organics (including biological agents); or
 6) The waste contains greater than one percent Total Organic Carbon (TOC).

- d) It is a form of impermeable dilution, and therefore prohibited, to add iron filings or other metallic forms of iron to lead-containing hazardous wastes in order to achieve any land disposal restriction treatment standard for lead. Lead-containing wastes include D008 wastes (wastes exhibiting a characteristic due to the presence of lead), all characteristic wastes containing lead as an underlying hazardous constituent, listed wastes containing lead as a regulated constituent, and hazardous media containing any of the aforementioned lead-containing wastes.

(Source: Amended at 23 Ill. Reg. 1984, effective JAN 18 1985)

Section 728.104 Treatment Surface Impoundment Exemption

- a) Wastes which are otherwise prohibited from land disposal under this Part may be treated in a surface impoundment or series of impoundments provided that all of the following conditions are fulfilled:

- 1) Treatment of such wastes occurs in the impoundments;
- 2) The following conditions are met:

A) Sampling and testing. For wastes with treatment standards in Subpart D or prohibition levels in Subpart C, the residues from treatment are analyzed, as specified in Section 728.107 or 728.132, to determine if they meet the applicable treatment standards or, where no treatment standards have been established for the waste, the applicable prohibition levels. The sampling method, specified in the waste analysis plan under 35 Ill. Adm. Code 724.113 or 725.113, must be designed such that representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples.

B) Removal. The following treatment residues (including any liquid waste) must be removed at least annually: residues which do not meet the treatment standards promulgated under Subpart D of this Part; residues which do not meet the prohibition levels established under Subpart C of this Part or imposed by federal statute Section-728-139 (where no treatment standards have been established); residues that which are from the treatment of wastes prohibited from land disposal under Subpart C of this Part (where no treatment standards have been established and no prohibition levels apply); or residues from managing listed wastes that which are not delisted under 35 Ill. Adm. Code 720.122. However,

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~~residues which are the subject of a valid certification under Section-728-108 made no later than a year after placement of the wastes in an impoundment are not required to be removed annually.~~ If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundments or impoundments, this flow-through constitutes removal of the supernatant for the purpose of this requirement.

- C) Subsequent management. Treatment residues must not be placed in any other surface impoundment for subsequent management unless the residues are the subject of a valid certification under Section-728-108 which allows disposal in surface impoundments meeting the requirements of Section 728-108(a).

D) Recordkeeping. Sampling, testing, and recordkeeping provisions of 35 Ill. Adm. Code 724.113 or 725.113 apply;

- 3) The impoundment meets the design requirements of 35 Ill. Adm. Code 724.321(c) or 725.321(a) even though the unit may not be new, expanded or a replacement, and must be in compliance with applicable groundwater monitoring requirements of 35 Ill. Adm. Code 724.321(a) or 725.321(a) of this Part, unless any of the following conditions is fulfilled:
 - A) The impoundment is exempted pursuant to 35 Ill. Adm. Code 724.321(d) or (e), or to 35 Ill. Adm. Code 725.321(c) or (d);
 - B) Upon application by the owner or operator, the Agency has by permit provided that the requirements of this Part do not apply on the basis that the surface impoundment fulfills all of the following conditions:
 - i) The impoundment has at least one liner, for which there is no evidence that such liner is leaking;
 - ii) The impoundment is located more than one-quarter mile from an underground source of drinking water; and
 - iii) The impoundment is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or

C) Upon application by the owner or operator, the Board has, pursuant to 35 Ill. Adm. Code 106, granted an adjusted standard from the requirements of this Part. The justification for such an adjusted standard shall be a demonstration that the surface impoundment is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time; and

- 4) The owner or operator submits to the Agency a written certification that the requirements of subsection (a)(3) of this Section have been met. The following certification is required:

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I certify under penalty of law that the requirements of 35 Ill. Adm. Code 728.104(a)(3) have been met for all surface impoundments being used to treat restricted wastes. I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- b) Evaporation of hazardous constituents as the principal means of treatment is not considered to be a treatment for purposes of an exemption under this Section.

(Source: Amended at 23 Ill. Reg. 1984, effective JAN 19 1995)

Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

a) Requirements for generators:

- 1) A generator of a hazardous waste shall determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, or Section 728.145, or 728.149. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure) incorporated by reference in 35 Ill. Adm. Code 720.111, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and 728-Table T of this Part, and are described in detail in Section 728-Table C of this Part. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator shall comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.

- 2) If the waste or contaminated soil does not meet the treatment

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standard:--With the initial shipment of waste to each treatment or storage facility, the generator shall send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator shall place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Section 728-Table I of this Part. No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

- A) For contaminated soil, the following certification statement should be included, signed by an authorized representative:

I certify under penalty of law that I personally have examined this contaminated soil and it (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by 35 Ill. Adm. Code 728.149(c).

- B) This subsection (a)(2)(B) corresponds with 40 CFR 268.7(a)(2)(ii), which is marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.
- 3) If the waste or contaminated soil meets the treatment standard at the original point of generation:

- A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Section 728-Table I of this Part and the following certification statement, signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728. Subpart D. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

- B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the

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generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed "(a)(3)" in Section 728.106. If the waste changes, the generator shall send a new notice and certification to the receiving facility, and place a copy in its file. Generators of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) are not subject to these requirements.

- 4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity variance or case-by-case capacity variance under 728.107(a)(4) of this Part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator shall send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Section 728.106. If the waste changes, the generator shall send a new notice to the receiving facility, and place a copy in its file.

- 5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 to meet applicable LDR treatment standards found at Section 728.140, the generator shall develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Section 728.106, of this Part, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;
- B) Such plan must be kept in the facility's on-site files and made available to inspectors; and
- C) Wastes shipped off-site pursuant to this subsection (a)(5) of this Section must comply with the notification requirements of subsection (a)(3) of this Section.

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- 6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, and all waste analysis data must be retained on-site in the generator's files.

- 7) If a generator determines that it is managing a prohibited restricted waste which is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA as specified at 35 Ill. Adm. Code 721.104(a)(2)), that, or which are CWA-equivalent, or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator shall place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.

- 8) A generator shall retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

- 9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator shall fulfill the following conditions:

- A) With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Section 728.106. I of this Part and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files,

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must say the following:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under 35 Ill. Adm. Code 728.142(c) and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.

D) The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this Section.

10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

b) The owner or operator of a treatment facility shall test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) of this Section.

1) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste extract (TCIP), the owner or operator of the treatment facility shall test an extract of the treatment residues using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111 to assure that the treatment residues extract meets the applicable treatment standards.

2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment

residues meet the applicable treatment standards.
3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.
A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.
B) The one-time notice must include the requirements indicated in the following table:

Treatment Facility Paperwork Requirements Table		
	Required information	Section 728.107(b)

1. USEPA hazardous waste number
Hazardous-Waste and manifest number
of first shipment Manifest-numbers-
The waste is subject to the LDRs.

2. The constituents of concern for
F001-through F005 and F039 waste and
underlying hazardous constituents in
characteristic wastes (for---wastes
that-are-not-managed-in-a-Clean-Water
Act-----EWA)-----or-----CWA-equivalent
facility, unless the waste will be
treated and monitored for all
constituents. If all constituents
will be treated and monitored, there
is no need to put them all on the LDR
notice.

3. The notice must include the
applicable wastewater/nonwastewater
category (see Section 728.102(d) and
(f)) and subdivisions made within a
waste code based on waste-specific
criteria (such as D003 reactive
cyanide).

4. Waste analysis data (when available).
5. For contaminated soil subject to LDRs
as provided in Section 728.149(a),
the constituents subject to
treatment as described in Section
728.149(d) and the following
statement, "this contaminated soil
(does/does not) contain listed
hazardous waste and (does/does not)

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exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c).

- 6.5- A certification statement is needed (see applicable Section for exact wording). X

- 4) The owner or operator of a treatment facility shall submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A. certification is also necessary for contaminated soil and it must state:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.

- B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology listed in Section 728-Table F of this Part and debris that the Agency has

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determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) of this Section rather than the certification requirements of this subsection (b)(4).

- C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in 35 Ill. Adm. Code 728-Table C. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T of this Part (other than those expressed as a required method of treatment) that are reasonably expected to contain underlying hazardous constituents as defined in 35 Ill. Adm. Code 728.102(i), that are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic. The decharacterized waste contains underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- E) For characteristic wastes that contain underlying hazardous constituents as defined in Section 728.102(i) that are

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treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Sections 728.148 and Table U of this Part universal treatment standards, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i) have been treated on-site to meet the universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

5) If the waste or treatment residue will be further managed at a different treatment, or storage, or disposal facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)(3)†† of this Section. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(4) ‡ of this Section and a notice that includes the information listed in subsection (b)(3) †† of this Section (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b) of this Section.

2) Test the waste, or an extract of the waste or treatment residue developed, using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, to assure that the waste or treatment residue is in

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compliance with the applicable treatment standards set forth in Subpart D of this Part. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) of this Section with respect to such waste.

d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 720-Table F of this Part, and debris that has been delisted) is subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;

B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and

C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the technology from Section 720-Table F of this Part used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.102(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Section 720-Table F of this Part, as follows:

A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

B) Records must be kept of any data or information the treater

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obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:

I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and generators and treaters that first determine that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste shall do the following:

- 1) Prepare a one-time only documentation of these determinations including all supporting information; and
- 2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended 23 Ill. Reg. 1984, effective JAN 19 1993)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.133 Waste Specific Prohibitions -- Organobromine Wastes First Third-Wastes--(Repeated)

a) The waste specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K140 and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste number U408 are prohibited from land disposal. In addition, soils and debris contaminated with these wastes, radioactive wastes mixed with these hazardous wastes, and soils and debris contaminated with these radioactive mixed wastes are prohibited from land disposal. The requirements of subsection (a) of this Section do not apply if:

- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
- 2) The Board has granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to the wastes and units covered by the petition;
- 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;
- 4) Hazardous debris that has met treatment standards in Sections

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728.140 and Table T of this Part or, in the alternative, the treatment standards in Section 728.145; or

5) USEPA has granted an extension to the effective date of a prohibition, as described in Section 728.105, with respect to those wastes covered by the extension.

c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T of this Part, the initial generator shall test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.148 and Table U of this Part, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Section repealed at 22 Ill. Reg. 17706, effective September 28, 1998; new Section adopted at 23 Ill. Reg. 1984, effective JAN 19 1993)

Section 728.134 Waste Specific Prohibitions -- Toxicity Characteristic Metal Wastes Second-Third-Wastes--(Repeated)

a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers D004 through D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), and waste, soil, or debris from mineral processing operations that is identified as hazardous by the specifications at 35 Ill. Adm. Code 721.

b) The following waste is prohibited from land disposal: slag from secondary lead smelting that exhibits the characteristic of toxicity due to the presence of one or more metals.

c) Effective May 26, 2000, the following wastes are prohibited from land disposal: newly identified characteristic wastes from elemental phosphorus processing; radioactive wastes mixed with USEPA hazardous waste numbers D004 through D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure); or mixed with newly identified characteristic mineral processing wastes, soil, or debris.

d) Until May 26, 2000, newly identified characteristic wastes from elemental phosphorus processing, radioactive waste mixed with USEPA hazardous waste numbers D004 through D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), or mixed with newly identified characteristic mineral

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processing wastes, soil, or debris may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).

e) The requirements of subsections (a) and (b) of this Section do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;

2) The Board has granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or

4) USEPA has granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, with respect to those wastes covered by the extension.

f) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T of this Part, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents (including underlying hazardous constituents in characteristic wastes) in excess of the applicable universal treatment standard levels of Section 728.148 and Table U of this Part, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Section repealed at 22 Ill. Reg. 17706, effective September 28, 1998; new Section adopted at 23 Ill. Reg. 17704, effective JAN 14 1999)

Section 728.135 Waste Specific Prohibitions -- Petroleum Refining ~~Waste~~ Wastes (repeated)

a) Effective February 8, 1999, the wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K169, K170, K171, and K172; soils and debris contaminated with these wastes; radioactive wastes mixed with these hazardous wastes; and soils and debris contaminated with these radioactive mixed wastes are prohibited from land disposal. The requirements of subsection (a) of this Section do not apply under any of the following circumstances:

1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;

2) The Board has granted an adjusted standard that exempts waste from a prohibition pursuant to Section 728.106, with respect to those wastes and units covered by the adjusted standard.

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3) The wastes meet an adjusted standard from an applicable treatment standard granted under Section 728.144;

4) The waste is hazardous debris that has met the treatment standards set forth in Section 728.140 and Table T of this Part or the alternative treatment standards in Section 728.145; or

5) USEPA has granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, with respect to these wastes covered by the extension.

c) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.148 and Table U of this Part, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Section repealed at 22 Ill. Reg. 17706, effective September 28, 1998; new Section adopted at 23 Ill. Reg. 17704, effective JAN 14 1999)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

a) A prohibited waste identified in Section 728.140-Table T of this Part, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in that Section. For each waste, Section 728.140-Table T identifies one of three types of treatment standard requirements:

1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in that Section for that waste ("total waste standards");

2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in that Section ("waste extract standards"); or

3) The waste must be treated using the technology specified in that Section ("technology standard"), which is described in detail in Section 728-Table C of this Part, "Technology Codes and Description of Technology-Based Standards".

b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the

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Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

d) Notwithstanding the prohibitions specified in subsection (a) of this Section, treatment and disposal facilities may demonstrate (and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Section 728-Table T of this Part, provided the following conditions are satisfied:

- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
- 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) of this Section to treat the organic constituents; and
- 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Section 728-Table T of this Part by an order of magnitude.

e) For a characteristic waste ~~wastes~~ (USEPA hazardous waste number ~~numbers~~ D001 through B003-and-B010-through D043) that ~~is~~ ~~are~~ subject to treatment standards set forth in Section 728-Table T of this Part, "Treatment Standards for Hazardous Wastes", and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I nonhazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102(i)) must meet the universal treatment standards, set forth in Section 728-Table U of this Part prior to land disposal, as defined in Section 728.102(c).

f) The treatment standards for USEPA hazardous waste numbers F001 through

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F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

g) This subsection corresponds with 40 CFR 268.40(g), added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired. This statement maintains structural consistency with the federal rules.

h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.

i) Zinc-containing fertilizers that are produced for the use of the general public and which are produced from or contain recycled characteristic hazardous wastes (D004 through D011) are subject to the applicable treatment standards set forth in 40 CFR 268.41 (1990), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: USEPA added 40 CFR 268.40(i) at 63 Fed. Reg. 46331 (Aug. 31, 1998) to stay the Phase IV land disposal restrictions (LDRs) as they apply to zinc-containing fertilizers while it develops a more comprehensive set of regulations applicable to use of hazardous waste in making fertilizers. To effect the stay, USEPA applied the 1990 LDR standards to the affected materials.

(Source: Amended at 23 Ill. Reg. 1964, effective JAN 19 1999)

Section 728.142 Treatment Standards Expressed as Specified Technologies

a) The following wastes listed in subsections (a)(1) and (b)(2) below and Section 728-Table T of this Part, "Treatment Standards for Hazardous Wastes," for which standards are expressed as a treatment method rather than a concentration level, and 728-Table E must be treated using the technology or technologies specified in subsections (a)(1) and (b)(2) below and Section 728-Table T of this Part.

- 1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical

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requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725, and 726.

2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O. These treatment standards do not apply where the waste is subject to a treatment standard codified in 728-Subpart C of this Part for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).

3) A mixture consisting of wastewater, the discharge of which is subject to regulation under 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process that meet the criteria of the D001 ignitable liquids containing greater than 10 percent of total organic constituents (TOC) subcategory are subject to the DACT treatment standard described in Section-728- Table C of this Part. For purposes of this subsection, "de minimis losses" include:

- A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, or leaks from pipes, valves, or other devices used to transfer materials);
- B) Minor leaks from process equipment, storage tanks, or containers;
- C) Leaks from well-maintained pump packings and seals;
- D) Sample purgings; and
- E) Relief device discharges.

b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a), ~~above--and~~ (c), and (d) of this Section below for wastes or specified specified in Section-728-Table F of this Part for hazardous debris. The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part; 35 Ill. Adm. Code 709, 724, 725, 726, and 729; and Sections 22.6 and 39(h) of the Environmental Protection Act [415 ILCS 5/22.6 and 39(h)] and that the treatment method is protective of human health and the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if

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the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a) of this Section ~~above~~ and (c) and (d) of this Section ~~below~~ and in ~~Section--728-Table F~~ of this Part, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued shall comply with all limitations contained in such determination.

c) As an alternative to the otherwise applicable treatment standards of 728-Subpart D of this Part, lab packs are eligible for land disposal provided the following requirements are met:

- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;
BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.
- 2) The lab pack does not contain any of the wastes listed in Appendix D of this Part;
- 3) The lab packs are incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O; and
- 4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010, and D011 are treated in compliance with the applicable treatment standards specified from such wastes in 728-Subpart D of this Part.

d) Radioactive hazardous mixed wastes are subject to the treatment standards in Section Sections 728.140 and 728-Table T of this Part. Where treatment standards are specified for radioactive mixed wastes in Section-728-Table T of this Part, "Table of Treatment Standards", those treatment standards will govern. Where there is no specific treatment standard for radioactive mixed waste, the treatment standard for the hazardous waste (as designated by EPA waste code) applies. Hazardous debris containing radioactive waste is subject to the treatment standards specified in Section 728.145.

(Source: Amended at 23 Ill. Reg. 1964, effective JAN 18 1999)

Section 728.144 Adjustment of Treatment Standard

a) Based on a petition filed by a generator or treater of hazardous waste, the Board will grant an adjusted standard from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:

- 1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed

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in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or

2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:

- A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media); or
- B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.

BOARD NOTE: 40 CFR 268.44 refers to these as "treatability variances". The Board has not used this term in its rules to avoid confusion with the Board variances under Title IX of the Environmental Protection Act. The equivalent Board procedures are an "adjusted treatment standard from a treatment standard" pursuant to subsections (a) through (l) of this Section, or a "treatability exception" adopted pursuant to subsections (m) et seq. of this Section. While the latter is adopted by "identical in substance" rulemaking following a US EPA action, the former is an original Board action which will be the only mechanism following authorization to the State of this component of the RCRA program.

- b) Each petition must be submitted in accordance with the procedures in 35 Ill. Adm. Code 106. Subpart G.
- c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- d) After receiving a petition for an adjusted treatment standard, the Board may request any additional information or samples which are necessary to evaluate the petition.
- e) The Board will give public notice and provide an opportunity for public comment, as provided in 35 Ill. Adm. Code 106. In conjunction with any updating of the RCRA regulations, the Board will maintain, in this Part, a listing of all adjusted treatment standards granted by the Board pursuant to this Section. A listing of all adjusted

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standards granted pursuant to this Section will be published in the Illinois Register and Environmental Register at the end of each fiscal year. (Section 28.1(d)(3) of the Environmental Protection Act [415 ILCS 5/28.1(d)(3)].)

- f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes found under Section 728.107.
- g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this part once the effective date for the waste has been reached.
- h) Based on a petition filed by a generator or treater of hazardous waste, the Board will grant an adjusted standard from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:
- h) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specific level, or where treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for a site-specific adjusted treatment standard. The petition shall demonstrate that, because the physical or chemical properties of the waste differs significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

- 1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or

- 2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:

A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media where the treatment standard is not based on combustion of such media); or

B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.

- 3) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in

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concentrations of hazardous constituents that are below (i.e., lower than) the concentrations necessary to minimize short- and long-term threats to human health and the environment. An adjusted standard from a treatment standard granted under this subsection (b)(3) will include the following features:

- A) At a minimum, the adjusted standard from the treatment standard will impose an alternative land disposal restriction treatment standard that will achieve the following, using a reasonable maximum exposure scenario:
 - i) For carcinogens, it will achieve constituent concentrations that result in the total excess risk to an individual exposed over a lifetime, generally falling within a range from 10⁻⁴ to 10⁻⁶; and
 - ii) For constituents with non-carcinogenic effects, it will achieve constituent concentrations that an individual could be exposed to on a daily basis without appreciable risk of deleterious effect during a lifetime.

- B) The treatment adjusted standard will not consider post-land-disposal controls.

- 4) After receiving a petition for a site-specific adjusted treatment standard, the Board may request any additional information or samples which the Board determines are necessary to evaluate the petition.

- k) A generator, treatment facility or disposal facility which is managing a waste covered by a site-specific adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes in Section 728.107.

- l) During the petition review process, the petitioner for a site-specific adjusted treatment standard shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

- m) For any adjusted standard from a treatment standard, the petitioner must also demonstrate that compliance with the requested adjusted standard is sufficient to minimize threats to human health and the environment posed by land disposal of the waste. In evaluating this demonstration, the Board will take into account whether the adjusted

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standard should be granted if the subject waste is to be used in a manner constituting disposal pursuant to Sections 728.120 through 728.123. If USEPA grants a treatment exception by regulatory action pursuant to 40 CFR 268.44 (1996) and a person demonstrates that the treatment exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatment exception by identical substance rulemaking pursuant to Sections 22.4(a) of the Environmental Protection Act.

BOARD NOTE: The Board will adopt the treatment exception during a RCRA update Docket if a timely demonstration is made. Otherwise, the Board will assign the matter to a separate Docket. This subsection (n) corresponds with 40 CFR 264.1030(n), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.

- n) The facilities listed in Section 720-Table H of this Part are excluded from the treatment standards under Section 728.143(a) and 720-Table B of this Part, and are subject to the constituent concentrations listed in Section 720-Table H of this Part.

- p) If USEPA grants a treatment exception by regulatory action pursuant to 40 CFR 268.44 (1996) and a person demonstrates that the treatment exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatment exception by identical substance rulemaking pursuant to Section 22.4(a) of the Environmental Protection Act. This subsection (p) corresponds with 40 CFR 264.1030(p) which is a site-specific regulation that applies to a facility outside Illinois. This statement maintains structural consistency with USEPA rules.

BOARD NOTE: The Board will adopt the treatment exception during a RCRA update Docket if a timely demonstration is made. Otherwise, the Board will assign the matter to a separate Docket.

(Source: Amended at 23 Ill. Reg. 1064, effective JAN 29 1996)

Section 728.145 Treatment Standards for Hazardous Debris

- a) Treatment standards. Hazardous debris must be treated prior to land disposal as follows, unless the Board has determined, under 35 Ill. Adm. Code 721.103(f)(2), that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart for the waste contaminating the debris:

- 1) General. Hazardous debris must be treated for each "contaminant subject to treatment", defined by subsection (b) of this Section

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below, using the technology or technologies identified in **Section 728-Table F** of this Part.

- 2) Characteristic debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, and 721.123, respectively, must be deactivated by treatment using one of the technologies identified in **Section--728-Table F** of this Part.
- 3) Mixtures of debris types. The treatment standards of **Section 728-Table F** of this Part must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
- 4) Mixtures of contaminant types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) of this Section **below** must be treated for each contaminant using one or more treatment technologies identified in **Section--728-Table F** of this Part. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
- 5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.
- b) Contaminants subject to treatment. Hazardous debris must be treated for each "contaminant subject to treatment". The contaminants subject to treatment must be determined as follows:
 - 1) Toxicity characteristic debris. The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EP constituents for which the debris exhibits the TC toxicity characteristic.
 - 2) Debris contaminated with listed waste. The contaminants subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents or wastes for which treatment standards are established for the waste under **Sections** **Section 728.140** and **728-Table T** of this Part.
 - 3) Cyanide reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.
- c) Conditioned exclusion of treated debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in **Section--728-Table F** of this Part and that does not exhibit a characteristic of hazardous waste identified under 35 Ill. Adm. Code 721.123 after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in **Section--728-Table F** of this Part is a hazardous waste and must be managed in a RCRA Subtitle C treatment, storage, or disposal facility.
- d) Treatment residuals

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- 1) General requirements. Except as provided by subsections (d)(2) and (d)(4) of this Section **below**:
 - A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and
 - B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by **728-Subpart D of this Part** for the waste contaminating the debris.
- 2) Nontoxic debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b) of this Section **above**, must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of **728-Subpart D** of this Part.
- 3) Cyanide-reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for **USEPA U-S-G--BPA** hazardous waste number D003 under **Section 728.140** and **Table T** of this Part. **728-143-**
- 4) Ignitable nonwastewater residue. Ignitable nonwastewater residue containing equal to or greater than 10 percent ~~total~~ organic carbon is subject to the technology specified in the treatment ~~based~~ standard for **USEPA U-S-G--BPA** hazardous waste number D001: "Ignitable Liquids ~~based-on---35---III---Adm---~~ Code ~~721-121(a)(1)---~~ under ~~Section--728-142~~".
- 5) Residue from spalling. Layers of debris removed by spalling are hazardous debris that remain subject to the treatment standards of this Section.

(Source: Amended at 23 Ill. Reg. 1064, effective JAN 1 9 1996)

Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

- a) Applicability. An owner or operator shall comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

If the LDRs	And if the LDRs	And if	Then the owner or operator
Applied to the listed waste when it	Apply to the listed waste now.	=	Must comply with LDRs.

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contaminated
the soil*.

Did not apply
to the listed
waste when it
contaminated
the soil*.

Apply to the
listed waste now.
The soil is
determined to
contain the listed
waste when the soil
is first generated.

Must comply with
LDRs.

Did not apply
to the listed
waste when it
contaminated
the soil*.

Apply to the
listed waste now.
The soil is
determined to
contain the listed
waste when the soil
is first generated.

Needs not comply
with LDRs.

Did not apply
to the listed
waste when it
contaminated
the soil*.

Do not apply to
the listed waste
now.

Needs not comply
with LDRs.

* For dates of LDR applicability, see Appendix G of this Part. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

b) Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) of this Section or according to the universal treatment standards specified in Section 728.148 and Table U of this Part applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) of this Section and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.

c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to all the standards specified in this subsection or according to the universal treatment standards specified in Section 728.148 and Table U of this Part.

1) All soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:

A) For non-metals, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by

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subsection (c)(1)(C) of this Section.

For metals, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) of this Section.

C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment standards are identified in Table U of this Part.

2) Soils that exhibit the characteristic of ignitability, corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) of this Section, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.

3) Soils that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) of this Section, prior to land disposal, the following treatment is required for soils that contain nonanalyzable constituents:

A) For soil that also contains analyzable constituents, treatment of those analyzable constituents to the levels specified in subsections (c)(1) and (c)(2) of this Section;

or

B) For soil that contains only nonanalyzable constituents, treatment by the method specified in Section 728.142 for the waste contained in the soil.

d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) of this Section, constituents subject to treatment are any constituents listed in Table U of this Part universal treatment standards that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium and zinc, and are present at concentrations greater than ten times the universal treatment standard.

e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be managed as follows:

1) Soil residuals are subject to the treatment standards of this Section;

2) Non-soil residuals are subject to the following requirements:

A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and

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- B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Added at 23 Ill. Reg. 1904, effective JAN 19 1999)

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Section 728.APPENDIX G Federal Effective Dates

The following are the effective dates for the USEPA rules in 40 CFR 268. These generally became effective as Illinois rules at a later date.

TABLE 1
EFFECTIVE DATES OF SURFACE DISPOSED WASTES (NON-SOIL AND
DEBRIS) REGULATED IN THE LDRS--COMPREHENSIVE LIST

Waste code	Waste category	Effective date
D001(c)	All (except High TOC Ignitable Liquids)	Aug. 9, 1993.
D001	High TOC Ignitable Liquids	Aug. 8, 1990.
D002(c)	All	Aug. 9, 1993.
D003(e)	Newly identified surface-disposed elemental phosphorus processing wastes	May 26, 2000.
B003(e)	All	July-07-1996-
D004	Newly identified D004 and mineral processing wastes	Aug. 24, 1998.
B004	Nonwastewater	May-07-1992-
D004	Mixed radioactive/newly identified D004 or mineral processing wastes	May 26, 2000.
B004	Wastewater	Aug-07-1992-
D005	Newly identified D005 and mineral processing wastes	Aug. 24, 1998.
D005	Mixed radioactive/newly identified D005 or mineral processing wastes	May 26, 2000.
B005	All	Aug-07-1990-
B006	All	Aug-07-1990-
D006	Newly identified D006 and mineral processing wastes	Aug. 24, 1998.
D006	Mixed radioactive/newly identified D006 or mineral processing wastes	May 26, 2000.
B007	All	Aug-07-1990-
D007	Newly identified D007 and mineral processing wastes	Aug. 24, 1998.
D007	Mixed radioactive/newly identified D007 or mineral processing wastes	May 26, 2000.
B008	head-----materials-----before-----secondary smelting	May-07-1992-
D008	Newly identified D008 and mineral processing waste	Aug. 24, 1998.
B008	All-others	Aug-07-1990-
D008	Mixed radioactive/newly identified D008 or mineral processing wastes	May 26, 2000.
B009	Nonwastewater	May-07-1992-
D009	Newly identified D009 and mineral processing waste	Aug. 24, 1998.

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<u>D009</u>	<u>Mixed radioactive/newly identified D009</u>	<u>May 26, 2000.</u>	D020	All others	Dec. 19, 1994.
	<u>or mineral processing wastes</u>		D021	Mixed with radioactive wastes	Sep. 19, 1996.
<u>B009</u>	<u>All-ethers</u>	<u>Aug.-07-1990-</u>	D022	All others	Dec. 19, 1994.
<u>B010</u>	<u>All</u>	<u>Aug.-07-1990-</u>	D023	Mixed with radioactive wastes	Sep. 19, 1996.
<u>D010</u>	<u>Newly identified D010 and mineral</u>	<u>Aug. 24, 1998.</u>	D024	All others	Dec. 19, 1994.
	<u>Processing wastes</u>		D025	Mixed with radioactive wastes	Sep. 19, 1996.
<u>D010</u>	<u>Mixed radioactive/newly identified D010</u>	<u>May 26, 2000.</u>	D026	All others	Dec. 19, 1994.
	<u>or mineral processing wastes</u>		D027	Mixed with radioactive wastes	Sep. 19, 1996.
<u>B011</u>	<u>All</u>	<u>Aug.-07-1990-</u>	D028	All others	Dec. 19, 1994.
<u>D011</u>	<u>Newly identified D011 and mineral</u>	<u>Aug. 24, 1998.</u>	D029	Mixed with radioactive wastes	Sep. 19, 1996.
	<u>Processing wastes</u>		D030	All others	Dec. 19, 1994.
<u>D011</u>	<u>Mixed radioactive/newly identified D011</u>	<u>May 26, 2000.</u>	D031	Mixed with radioactive wastes	Sep. 19, 1996.
	<u>or mineral processing wastes</u>		D032	All others	Dec. 19, 1994.
<u>D012 (that exhibit</u>	<u>All</u>	<u>Dec. 14, 1994.</u>	D033	Mixed with radioactive wastes	Sep. 19, 1996.
<u>the toxicity</u>			D034	All others	Dec. 19, 1994.
<u>characteristic</u>			D035	Mixed with radioactive wastes	Sep. 19, 1996.
<u>based on the</u>			D036	All others	Dec. 19, 1994.
<u>TCLP)(d)</u>			D037	Mixed with radioactive wastes	Sep. 19, 1996.
<u>D013 (that exhibit</u>	<u>All</u>	<u>Dec. 14, 1994.</u>	D038	All others	Dec. 19, 1994.
<u>the toxicity</u>			D039	Mixed with radioactive wastes	Sep. 19, 1996.
<u>characteristic</u>			D040	All others	Dec. 19, 1994.
<u>based on the</u>			D041	Mixed with radioactive wastes	Sep. 19, 1996.
<u>TCLP)(d)</u>			D042	All others	Dec. 19, 1994.
<u>D014 (that exhibit</u>	<u>All</u>	<u>Dec. 14, 1994.</u>	D043	Mixed with radioactive wastes	Sep. 19, 1996.
<u>the toxicity</u>				All others	Dec. 19, 1994.
<u>characteristic</u>				Mixed with radioactive wastes	Sep. 19, 1996.
<u>based on the</u>				All others	Dec. 19, 1994.
<u>TCLP)(d)</u>				Mixed with radioactive wastes	Sep. 19, 1996.
<u>D015 (that exhibit</u>	<u>All</u>	<u>Dec. 14, 1994.</u>		All others	Dec. 19, 1994.
<u>the toxicity</u>				Mixed with radioactive wastes	Sep. 19, 1996.
<u>characteristic</u>				All others	Dec. 19, 1994.
<u>based on the</u>				Mixed with radioactive wastes	Sep. 19, 1996.
<u>TCLP)(d)</u>				All others	Dec. 19, 1994.
<u>D016 (that exhibit</u>	<u>All</u>	<u>Dec. 14, 1994.</u>		Mixed with radioactive wastes	Sep. 19, 1996.
<u>the toxicity</u>				All others	Dec. 19, 1994.
<u>characteristic</u>				Mixed with radioactive wastes	Sep. 19, 1996.
<u>based on the</u>				All others	Dec. 19, 1994.
<u>TCLP)(d)</u>				Mixed with radioactive wastes	Sep. 19, 1996.
<u>D017 (that exhibit</u>	<u>All</u>	<u>Dec. 14, 1994.</u>		All others	Dec. 19, 1994.
<u>the toxicity</u>				Mixed with radioactive wastes	Sep. 19, 1996.
<u>characteristic</u>				All others	Dec. 19, 1994.
<u>based on the</u>				Mixed with radioactive wastes	Sep. 19, 1996.
<u>TCLP)(d)</u>				All others	Dec. 19, 1994.
<u>D018</u>	<u>Mixed with radioactive wastes</u>	<u>Sep. 19, 1996.</u>		Mixed with radioactive wastes	Sep. 19, 1996.
<u>D018</u>	<u>All others</u>	<u>Dec. 19, 1994.</u>		All others	Dec. 19, 1994.
<u>D019</u>	<u>Mixed with radioactive wastes</u>	<u>Sep. 19, 1996.</u>		Mixed with radioactive wastes	Sep. 19, 1996.
<u>D019</u>	<u>All others</u>	<u>Dec. 19, 1994.</u>		All others	Dec. 19, 1994.
<u>D020</u>	<u>Mixed with radioactive wastes</u>	<u>Sep. 19, 1996.</u>		All others	Dec. 19, 1994.

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K015	Nonwastewater	K050	Nonwastewater	Nov. 8, 1990.
K016	All	K051	Wastewater	Aug. 8, 1990.
K017	All	K051	Nonwastewater	Nov. 8, 1990.
K018	All	K052	Wastewater	Aug. 8, 1990.
K019	All	K052	Nonwastewater	Nov. 8, 1990.
K020	All	K060	Wastewater	Aug. 8, 1990.
K021	Wastewater	K060	Nonwastewater	Aug. 8, 1988.
K021	Nonwastewater	K061	Wastewater	Aug. 8, 1990.
K022	Wastewater	K061	Nonwastewater	June 30, 1992.
K022	Nonwastewater	K062	All	Aug. 8, 1988.
K023	All	K069 (Non-	Nonwastewater	Aug. 8, 1988.
K024	All	Calcium Sulfate)		
K025	Wastewater	K069	All others	Aug. 8, 1990.
K025	Nonwastewater	K071	All	Aug. 8, 1990.
K026	All	K073	All	Aug. 8, 1990.
K027	All	K083	All	Aug. 8, 1990.
K028 (metals)	Nonwastewater	K084	Wastewater	Aug. 8, 1990.
K028	All others	K084	Nonwastewater	May 8, 1992.
K029	Wastewater	K085	All	Aug. 8, 1990.
K029	Nonwastewater	K085	All	Aug. 8, 1988.
K030	All	(b)		
K031	Wastewater	K086	All others	Aug. 8, 1988.
K031	Nonwastewater	K087	All	Aug. 8, 1988.
K032	All	K088	Mixed with radioactive wastes	Apr. 8, 1988.
K033	All	K088	All others	Oct. Jan. 8, 1997.
K034	All	K093	All	June 8, 1989.
K035	All	K094	All	June 8, 1989.
K035	Wastewater	K095	Wastewater	Aug. 8, 1990.
K036	Nonwastewater	K095	Nonwastewater	June 8, 1989.
K037 (b)	Wastewater	K096	Wastewater	Aug. 8, 1990.
K037	Nonwastewater	K096	Nonwastewater	June 8, 1989.
K038	All	K097	All	Aug. 8, 1990.
K039	All	K098	All	Aug. 8, 1990.
K040	All	K099	All	Aug. 8, 1988.
K041	All	K100	Wastewater	Aug. 8, 1990.
K042	All	K100	Nonwastewater	Aug. 8, 1988.
K043	All	K101 (organics)	Wastewater	Aug. 8, 1988.
K044	All	K101 (metals)	Wastewater	Aug. 8, 1990.
K045	All	K101 (organics)	Nonwastewater	Aug. 8, 1988.
K046	Nonwastewater	K101 (metals)	Nonwastewater	May 8, 1992.
(Nonreactive)		K102 (organics)	Wastewater	Aug. 8, 1988.
K046	All others	K102 (metals)	Wastewater	Aug. 8, 1990.
K047	All	K102 (organics)	Nonwastewater	Aug. 8, 1988.
K048	Wastewater	K102 (metals)	Nonwastewater	May 8, 1992.
K048	Nonwastewater	K103	All	Aug. 8, 1988.
K049	Wastewater	K104	All	Aug. 8, 1988.
K049	Nonwastewater	K105	All	Aug. 8, 1990.
K050	Wastewater	K106	Wastewater	Aug. 8, 1990.

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P028	All	Aug. 8, 1990.	P081	All	Aug. 8, 1990.
P029	All	June 8, 1989.	P082	All	Aug. 8, 1990.
P030	All	June 8, 1989.	P084	All	Aug. 8, 1990.
P031	All	Aug. 8, 1990.	P085	All	June 8, 1989.
P033	All	Aug. 8, 1990.	P087	All	May 8, 1992.
P034	All	Aug. 8, 1990.	P088	All	Aug. 8, 1990.
P036	Wastewater	Aug. 8, 1990.	P089	All	June 8, 1989.
P036	Nonwastewater	May 8, 1992.	P092	Wastewater	Aug. 8, 1990.
P037	All	Aug. 8, 1990.	P093	Nonwastewater	May 8, 1992.
P038	Wastewater	Aug. 8, 1990.	P094	All	Aug. 8, 1990.
P038	Nonwastewater	May 8, 1992.	P095	All	June 8, 1989.
P039	All	June 8, 1989.	P096	All	Aug. 8, 1990.
P040	All	June 8, 1989.	P097	All	June 8, 1989.
P041	All	June 8, 1989.	P098	All	June 8, 1989.
P042	All	Aug. 8, 1990.	P099 (silver)	Wastewater	Aug. 8, 1990.
P043	All	June 8, 1989.	P099	All others	Aug. 8, 1989.
P044	All	June 8, 1989.	P101	All	Aug. 8, 1990.
P045	All	Aug. 8, 1990.	P102	All	Aug. 8, 1990.
P046	All	Aug. 8, 1990.	P103	All	Aug. 8, 1990.
P047	All	Aug. 8, 1990.	P104 (silver)	Wastewater	Aug. 8, 1990.
P048	All	Aug. 8, 1990.	P105	All others	June 8, 1989.
P049	All	Aug. 8, 1990.	P106	All	Aug. 8, 1989.
P050	All	Aug. 8, 1990.	P108	All	Aug. 8, 1990.
P051	All	Aug. 8, 1990.	P109	All	June 8, 1989.
P054	All	Aug. 8, 1990.	P110	All	Aug. 8, 1990.
P056	All	Aug. 8, 1990.	P111	All	June 8, 1989.
P057	All	Aug. 8, 1990.	P112	All	Aug. 8, 1990.
P058	All	Aug. 8, 1990.	P113	All	Aug. 8, 1990.
P059	All	Aug. 8, 1990.	P114	All	Aug. 8, 1990.
P060	All	June 8, 1989.	P115	All	Aug. 8, 1990.
P062	All	Aug. 8, 1989.	P116	All	Aug. 8, 1990.
P063	All	Aug. 8, 1990.	P118	All	Aug. 8, 1990.
P064	All	Aug. 8, 1990.	P119	All	Aug. 8, 1990.
P065	Wastewater	May 8, 1992.	P120	All	Aug. 8, 1990.
P065	Nonwastewater	Aug. 8, 1990.	P121	All	June 8, 1989.
P066	All	Aug. 8, 1990.	P122	All	Aug. 8, 1990.
P067	All	Aug. 8, 1990.	P123	All	Aug. 8, 1990.
P068	All	Aug. 8, 1990.	P127	Mixed with radioactive wastes	Apr. 8, 1998.
P069	All	Aug. 8, 1990.	P127	All others	July 8, 1996.
P070	All	June 8, 1989.	P128	Mixed with radioactive wastes	Apr. 8, 1998.
P071	All	Aug. 8, 1990.	P128	All others	July 8, 1996.
P072	All	Aug. 8, 1990.	P185	Mixed with radioactive wastes	Apr. 8, 1998.
P073	All	Aug. 8, 1990.	P185	All others	July 8, 1996.
P074	All	June 8, 1989.	P188	Mixed with radioactive wastes	Apr. 8, 1998.
P075	All	Aug. 8, 1990.	P188	All others	July 8, 1996.
P076	All	Aug. 8, 1990.	P189	Mixed with radioactive wastes	Apr. 8, 1998.
P077	All	Aug. 8, 1990.			
P078	All	Aug. 8, 1990.			

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P081	All	Aug. 8, 1990.
P082	All	Aug. 8, 1990.
P084	All	Aug. 8, 1990.
P085	All	June 8, 1989.
P087	All	May 8, 1992.
P088	All	Aug. 8, 1990.
P089	All	June 8, 1989.
P092	Wastewater	Aug. 8, 1990.
P093	Nonwastewater	May 8, 1992.
P094	All	Aug. 8, 1990.
P095	All	June 8, 1989.
P096	All	Aug. 8, 1990.
P097	All	June 8, 1989.
P098	All	June 8, 1989.
P099 (silver)	Wastewater	Aug. 8, 1990.
P099	All others	Aug. 8, 1989.
P101	All	Aug. 8, 1990.
P102	All	Aug. 8, 1990.
P103	All	Aug. 8, 1990.
P104 (silver)	Wastewater	Aug. 8, 1990.
P105	All others	June 8, 1989.
P106	All	Aug. 8, 1990.
P108	All	Aug. 8, 1990.
P109	All	June 8, 1989.
P110	All	Aug. 8, 1990.
P111	All	June 8, 1989.
P112	All	Aug. 8, 1990.
P113	All	Aug. 8, 1990.
P114	All	Aug. 8, 1990.
P115	All	Aug. 8, 1990.
P116	All	Aug. 8, 1990.
P118	All	Aug. 8, 1990.
P119	All	Aug. 8, 1990.
P120	All	Aug. 8, 1990.
P121	All	June 8, 1989.
P122	All	Aug. 8, 1990.
P123	All	Aug. 8, 1990.
P127	Mixed with radioactive wastes	Apr. 8, 1998.
P127	All others	July 8, 1996.
P128	Mixed with radioactive wastes	Apr. 8, 1998.
P128	All others	July 8, 1996.
P185	Mixed with radioactive wastes	Apr. 8, 1998.
P185	All others	July 8, 1996.
P188	Mixed with radioactive wastes	Apr. 8, 1998.
P188	All others	July 8, 1996.
P189	Mixed with radioactive wastes	Apr. 8, 1998.

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P189	All others	July 8, 1996.	U023	All	Aug. 8, 1990.
P190	Mixed with radioactive wastes	Apr. 8, 1998.	U024	All	Aug. 8, 1990.
P190	All others	July 8, 1996.	U025	All	Aug. 8, 1990.
P191	Mixed with radioactive wastes	Apr. 8, 1998.	U026	All	Aug. 8, 1990.
P191	All others	July 8, 1996.	U027	All	Aug. 8, 1990.
P192	Mixed with radioactive wastes	Apr. 8, 1998.	U028	All	June 8, 1989.
P192	All others	July 8, 1996.	U029	All	Aug. 8, 1990.
P194	Mixed with radioactive wastes	Apr. 8, 1998.	U030	All	Aug. 8, 1990.
P194	All others	July 8, 1996.	U031	All	Aug. 8, 1990.
P196	Mixed with radioactive wastes	Apr. 8, 1998.	U032	All	Aug. 8, 1990.
P196	All others	July 8, 1996.	U033	All	Aug. 8, 1990.
P197	Mixed with radioactive wastes	Apr. 8, 1998.	U034	All	Aug. 8, 1990.
P197	All others	July 8, 1996.	U035	All	Aug. 8, 1990.
P198	Mixed with radioactive wastes	Apr. 8, 1998.	U036	All	Aug. 8, 1990.
P198	All others	July 8, 1996.	U037	All	Aug. 8, 1990.
P199	Mixed with radioactive wastes	Apr. 8, 1998.	U038	All	Aug. 8, 1990.
P199	All others	July 8, 1996.	U039	All	Aug. 8, 1990.
P201	Mixed with radioactive wastes	Apr. 8, 1998.	U041	All	Aug. 8, 1990.
P201	All others	July 8, 1996.	U042	All	Aug. 8, 1990.
P202	Mixed with radioactive wastes	Apr. 8, 1998.	U043	All	Aug. 8, 1990.
P202	All others	July 8, 1996.	U044	All	Aug. 8, 1990.
P203	Mixed with radioactive wastes	Apr. 8, 1998.	U045	All	Aug. 8, 1990.
P203	All others	July 8, 1996.	U046	All	Aug. 8, 1990.
P204	Mixed with radioactive wastes	Apr. 8, 1998.	U047	All	Aug. 8, 1990.
P204	All others	July 8, 1996.	U048	All	Aug. 8, 1990.
P205	Mixed with radioactive wastes	Apr. 8, 1998.	U049	All	Aug. 8, 1990.
P205	All others	July 8, 1996.	U050	All	Aug. 8, 1990.
U001	All	Aug. 8, 1990.	U051	All	Aug. 8, 1990.
U002	All	Aug. 8, 1990.	U052	All	Aug. 8, 1990.
U003	All	Aug. 8, 1990.	U053	All	Aug. 8, 1990.
U004	All	Aug. 8, 1990.	U055	All	Aug. 8, 1990.
U005	All	Aug. 8, 1990.	U056	All	Aug. 8, 1990.
U006	All	Aug. 8, 1990.	U057	All	Aug. 8, 1990.
U007	All	Aug. 8, 1990.	U058	All	June 8, 1989.
U008	All	Aug. 8, 1990.	U059	All	Aug. 8, 1990.
U009	All	Aug. 8, 1990.	U060	All	Aug. 8, 1990.
U010	All	Aug. 8, 1990.	U061	All	Aug. 8, 1990.
U011	All	Aug. 8, 1990.	U062	All	Aug. 8, 1990.
U012	All	Aug. 8, 1990.	U063	All	Aug. 8, 1990.
U014	All	Aug. 8, 1990.	U064	All	Aug. 8, 1990.
U015	All	Aug. 8, 1990.	U066	All	Aug. 8, 1990.
U016	All	Aug. 8, 1990.	U067	All	Aug. 8, 1990.
U017	All	Aug. 8, 1990.	U068	All	Aug. 8, 1990.
U018	All	Aug. 8, 1990.	U069	All	June 30, 1992.
U019	All	Aug. 8, 1990.	U070	All	Aug. 8, 1990.
U020	All	Aug. 8, 1990.	U071	All	Aug. 8, 1990.
U021	All	Aug. 8, 1990.	U072	All	Aug. 8, 1990.
U022	All	Aug. 8, 1990.	U073	All	Aug. 8, 1990.

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U023	All	Aug. 8, 1990.
U024	All	Aug. 8, 1990.
U025	All	Aug. 8, 1990.
U026	All	Aug. 8, 1990.
U027	All	Aug. 8, 1990.
U028	All	June 8, 1989.
U029	All	Aug. 8, 1990.
U030	All	Aug. 8, 1990.
U031	All	Aug. 8, 1990.
U032	All	Aug. 8, 1990.
U033	All	Aug. 8, 1990.
U034	All	Aug. 8, 1990.
U035	All	Aug. 8, 1990.
U036	All	Aug. 8, 1990.
U037	All	Aug. 8, 1990.
U038	All	Aug. 8, 1990.
U039	All	Aug. 8, 1990.
U041	All	Aug. 8, 1990.
U042	All	Aug. 8, 1990.
U043	All	Aug. 8, 1990.
U044	All	Aug. 8, 1990.
U045	All	Aug. 8, 1990.
U046	All	Aug. 8, 1990.
U047	All	Aug. 8, 1990.
U048	All	Aug. 8, 1990.
U049	All	Aug. 8, 1990.
U050	All	Aug. 8, 1990.
U051	All	Aug. 8, 1990.
U052	All	Aug. 8, 1990.
U053	All	Aug. 8, 1990.
U055	All	Aug. 8, 1990.
U056	All	Aug. 8, 1990.
U057	All	Aug. 8, 1990.
U058	All	June 8, 1989.
U059	All	Aug. 8, 1990.
U060	All	Aug. 8, 1990.
U061	All	Aug. 8, 1990.
U062	All	Aug. 8, 1990.
U063	All	Aug. 8, 1990.
U064	All	Aug. 8, 1990.
U066	All	Aug. 8, 1990.
U067	All	Aug. 8, 1990.
U068	All	Aug. 8, 1990.
U069	All	June 30, 1992.
U070	All	Aug. 8, 1990.
U071	All	Aug. 8, 1990.
U072	All	Aug. 8, 1990.
U073	All	Aug. 8, 1990.

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U074	A11
U075	A11
U076	A11
U077	A11
U078	A11
U079	A11
U080	A11
U081	A11
U082	A11
U083	A11
U084	A11
U085	A11
U086	A11
U087	A11
U088	A11
U089	A11
U090	A11
U091	A11
U092	A11
U093	A11
U094	A11
U095	A11
U096	A11
U097	A11
U098	A11
U099	A11
U101	A11
U102	A11
U103	A11
U105	A11
U106	A11
U107	A11
U108	A11
U109	A11
U110	A11
U111	A11
U112	A11
U113	A11
U114	A11
U115	A11
U116	A11
U117	A11
U118	A11
U119	A11
U120	A11
U121	A11
U122	A11
U123	A11

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U124	All
U125	All
U126	All
U127	All
U128	All
U129	All
U130	All
U131	All
U132	All
U133	All
U134	All
U135	All
U136	Was
U137	Non
U138	All
U140	All
U141	All
U142	All
U143	All
U144	All
U145	All
U146	All
U147	All
U148	All
U149	All
U150	All
U151	Was
U152	Non
U153	All
U154	All
U155	All
U156	All
U157	All
U158	All
U159	All
U160	All
U161	All
U162	All
U163	All
U164	All
U165	All
U166	All
U167	All
U168	All
U169	All
U170	All

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U171	All	Aug. 8, 1990.
U172	All	Aug. 8, 1990.
U173	All	Aug. 8, 1990.
U174	All	Aug. 8, 1990.
U176	All	Aug. 8, 1990.
U177	All	Aug. 8, 1990.
U178	All	Aug. 8, 1990.
U179	All	Aug. 8, 1990.
U180	All	Aug. 8, 1990.
U181	All	Aug. 8, 1990.
U182	All	Aug. 8, 1990.
U183	All	Aug. 8, 1990.
U184	All	Aug. 8, 1990.
U185	All	Aug. 8, 1990.
U186	All	Aug. 8, 1990.
U187	All	Aug. 8, 1990.
U188	All	Aug. 8, 1990.
U189	All	Aug. 8, 1990.
U190	All	June 8, 1989.
U191	All	Aug. 8, 1990.
U192	All	Aug. 8, 1990.
U193	All	Aug. 8, 1990.
U194	All	June 8, 1989.
U196	All	Aug. 8, 1990.
U197	All	Aug. 8, 1990.
U200	All	Aug. 8, 1990.
U201	All	Aug. 8, 1990.
U202	All	Aug. 8, 1990.
U203	All	Aug. 8, 1990.
U204	All	Aug. 8, 1990.
U205	All	Aug. 8, 1990.
U206	All	Aug. 8, 1990.
U207	All	Aug. 8, 1990.
U208	All	Aug. 8, 1990.
U209	All	Aug. 8, 1990.
U210	All	Aug. 8, 1990.
U211	All	Aug. 8, 1990.
U213	All	Aug. 8, 1990.
U214	All	Aug. 8, 1990.
U215	All	Aug. 8, 1990.
U216	All	Aug. 8, 1990.
U217	All	Aug. 8, 1990.
U218	All	Aug. 8, 1990.
U219	All	Aug. 8, 1990.
U220	All	Aug. 8, 1990.
U221	All	June 8, 1989.
U222	All	Aug. 8, 1990.
U223	All	June 8, 1989.

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U225	All	Aug. 8, 1990.
U226	All	Aug. 8, 1990.
U227	All	Aug. 8, 1990.
U228	All	Aug. 8, 1990.
U234	All	Aug. 8, 1990.
U235	All	June 8, 1989.
U236	All	Aug. 8, 1990.
U237	All	Aug. 8, 1990.
U238	All	Aug. 8, 1990.
U239	All	Aug. 8, 1990.
U240	All	Aug. 8, 1990.
U243	All	Aug. 8, 1990.
U244	All	Aug. 8, 1990.
U246	All	Aug. 8, 1990.
U247	All	Aug. 8, 1990.
U248	All	Aug. 8, 1990.
U249	All	Aug. 8, 1990.
U271	Mixed with radioactive wastes	Apr. 8, 1998.
U271	All others	July 8, 1996.
U277	Mixed with radioactive wastes	Apr. 8, 1998.
U277	All others	July 8, 1996.
U278	Mixed with radioactive wastes	Apr. 8, 1998.
U278	All others	July 8, 1996.
U279	Mixed with radioactive wastes	Apr. 8, 1998.
U279	All others	July 8, 1996.
U280	Mixed with radioactive wastes	Apr. 8, 1998.
U280	All others	July 8, 1996.
U328	Mixed with radioactive wastes	June 30, 1994.
U328	All others	Nov. 9, 1992.
U353	Mixed with radioactive wastes	June 30, 1994.
U353	All others	Nov. 9, 1992.
U359	Mixed with radioactive wastes	June 30, 1994.
U359	All others	Nov. 9, 1992.
U364	Mixed with radioactive wastes	Nov. 9, 1992.
U364	All others	Apr. 8, 1998.
U365	Mixed with radioactive wastes	July 8, 1996.
U365	All others	Apr. 8, 1998.
U366	Mixed with radioactive wastes	July 8, 1996.
U366	All others	Apr. 8, 1998.
U367	Mixed with radioactive wastes	July 8, 1996.
U367	All others	Apr. 8, 1998.
U372	Mixed with radioactive wastes	July 8, 1996.
U372	All others	Apr. 8, 1998.
U373	Mixed with radioactive wastes	July 8, 1996.
U373	All others	Apr. 8, 1998.
U375	Mixed with radioactive wastes	July 8, 1996.
U375	All others	Apr. 8, 1998.
U376	Mixed with radioactive wastes	July 8, 1996.
U376	All others	Apr. 8, 1998.

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U376	All others	July 8, 1996.
U377	Mixed with radioactive wastes	Apr. 8, 1998.
U377	All others	July 8, 1996.
U378	Mixed with radioactive wastes	Apr. 8, 1998.
U378	All others	July 8, 1996.
U379	Mixed with radioactive wastes	Apr. 8, 1998.
U379	All others	July 8, 1996.
U381	Mixed with radioactive wastes	Apr. 8, 1998.
U381	All others	July 8, 1996.
U382	Mixed with radioactive wastes	Apr. 8, 1998.
U382	All others	July 8, 1996.
U383	Mixed with radioactive wastes	Apr. 8, 1998.
U383	All others	July 8, 1996.
U384	Mixed with radioactive wastes	Apr. 8, 1998.
U384	All others	July 8, 1996.
U385	Mixed with radioactive wastes	Apr. 8, 1998.
U385	All others	July 8, 1996.
U386	Mixed with radioactive wastes	Apr. 8, 1998.
U386	All others	July 8, 1996.
U387	Mixed with radioactive wastes	Apr. 8, 1998.
U387	All others	July 8, 1996.
U389	Mixed with radioactive wastes	Apr. 8, 1998.
U389	All others	July 8, 1996.
U390	Mixed with radioactive wastes	Apr. 8, 1998.
U390	All others	July 8, 1996.
U391	Mixed with radioactive wastes	Apr. 8, 1998.
U391	All others	July 8, 1996.
U392	Mixed with radioactive wastes	Apr. 8, 1998.
U392	All others	July 8, 1996.
U393	Mixed with radioactive wastes	Apr. 8, 1998.
U393	All others	July 8, 1996.
U394	Mixed with radioactive wastes	Apr. 8, 1998.
U394	All others	July 8, 1996.
U395	Mixed with radioactive wastes	Apr. 8, 1998.
U395	All others	July 8, 1996.
U396	Mixed with radioactive wastes	Apr. 8, 1998.
U396	All others	July 8, 1996.
U400	Mixed with radioactive wastes	Apr. 8, 1998.
U400	All others	July 8, 1996.
U401	Mixed with radioactive wastes	Apr. 8, 1998.
U401	All others	July 8, 1996.
U402	Mixed with radioactive wastes	Apr. 8, 1998.
U402	All others	July 8, 1996.
U403	Mixed with radioactive wastes	Apr. 8, 1998.
U403	All others	July 8, 1996.
U404	Mixed with radioactive wastes	Apr. 8, 1998.
U404	All others	July 8, 1996.
U407	Mixed with radioactive wastes	Apr. 8, 1998.

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U407	All others	July 8, 1996.
U409	Mixed with radioactive wastes	Apr. 8, 1998.
U409	All others	July 8, 1996.
U410	Mixed with radioactive wastes	Apr. 8, 1998.
U410	All others	July 8, 1996.
U411	Mixed with radioactive wastes	Apr. 8, 1998.
U411	All others	July 8, 1996.

(a) This table does not include mixed radioactive wastes (from the First, Second, and Third rules) which are receiving a national capacity variance until May 8, 1992. This table does not include contaminated soil and debris wastes.

(b) The standard was revised in the Third Third Final Rule (adopted by USEPA at 55 Fed. Reg. 22520 (June 1, 1990) and by the Board in Docket R90-11 by orders dated April 11, May 23, and August 8 and 22, 1991).

(c) USEPA amended the standard in the Third Third Emergency Rule (at 58 Fed. Reg. 29860 (May 24, 1993), which the Board adopted in docket R93-16 on March 17, 1994); the original effective date was August 8, 1990.

(d) The standard was revised in the Phase II Final Rule (which USEPA adopted at 59 Fed. Reg. 47982 (Sept. 19, 1994) and the Board adopted in docket R95-6 by orders dated June 1 and 15, 1995); the original effective date was August 8, 1990.

(e) The standards for selected reactive wastes was revised in the Phase III Final Rule (which USEPA adopted at 61 Fed. Reg. 15566 (Apr. 8, 1996) and the Board adopted in docket R96-10/R97-3/R97-5 (consolidated) by an order dated November 6, 1997); the original effective date was August 8, 1990.

SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS FOR CONTAMINATED SOIL AND DEBRIS (CSD)		
TABLE 2		
Restricted hazardous waste in CSD		Effective date
1.	Solvent-(F001-F005) and dioxin-(F020-F023 and F026-F028) containing soil and debris from CERCLA response of RCRA corrective actions.	Nov. 8, 1990.
2.	Soil and debris not from CERCLA response or RCRA corrective actions contaminated with less than 1 one percent total solvents (F001-F005) or dioxins (F020-F023 and F026-F028).	Nov. 8, 1988.

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3. All soil and debris contaminated with First Third wastes for which treatment standards are based on incineration.
4. All soil and debris contaminated with Second Third wastes for which treatment standards are based on incineration.
5. All soil and debris contaminated with Third Third wastes or, First or Second Third "soft hammer" wastes which had treatment standards promulgated in the Third Third rule, for which treatment standards are based on incineration, vitrification, or mercury retorting, acid leaching followed by chemical precipitation, or thermal recovery of metals, as well as all inorganic solids debris contaminated with D004-D011 wastes, and all soil and debris contaminated with mixed RCRA/radioactive wastes.
6. Soil and debris contaminated with D012-D043, K141-K145, and K147-151 wastes.
7. Debris (only) contaminated with F037, F038, K107-K112, K117, K118, K123-K126, K131, K132, K136, U328, U353, U359.
8. Soil and debris contaminated with K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.
9. Soil and debris contaminated with K088 wastes.
10. Soil and debris contaminated with radioactive wastes mixed with K088, K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.
11. Soil and debris contaminated with F032, F034, and F035.
12. Soil and debris contaminated with newly identified D004-D011 toxicity characteristic wastes and mineral processing wastes.
13. Soil and debris contaminated with mixed radioactive newly identified D011 characteristic wastes and mineral

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Processing wastes.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 23 Ill. Reg. 1984, effective JAN 10 1990)

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Section 728. APPENDIX H National Capacity LDR Variances for UIC Wastes

See Note(a)

Waste Code	Waste Category	Effective date
D001 (except High TOC Ignitable Liquids Subcategory)(c)	All	Feb. 10, 1994.
D001 (High TOC Ignitable Characteristic Liquids Subcategory)	Nonwastewater	Sep. 19, 1995.
D002 (b)	All	May 8, 1992.
D002(c)	All	Feb. 10, 1994.
D003 (cyanides)	All	May 8, 1992.
D003 (sulfides)	All	May 8, 1992.
D003 (explosives, reactives).	All	May 8, 1992.
D007	Nonwastewater	May 8, 1992.
D009	All	May 8, 1992.
D012	All	Sep. 19, 1995.
D013	All	Sep. 19, 1995.
D014	All	Sep. 19, 1995.
D015	All	Sep. 19, 1995.
D016	All	Sep. 19, 1995.
D017	All	Sep. 19, 1995.
D018	All, including mixed with radioactive wastes	Sep. 19, 1995.
D019	All, including mixed with radioactive wastes	Apr. 8, 1998.
D020	All, including mixed with radioactive wastes	Apr. 8, 1998.
D021	All, including mixed with radioactive wastes	Apr. 8, 1998.
D022	All, including mixed with radioactive wastes	Apr. 8, 1998.
D023	All, including mixed with radioactive wastes	Apr. 8, 1998.
D024	All, including mixed with radioactive wastes	Apr. 8, 1998.
D025	All, including mixed with radioactive wastes	Apr. 8, 1998.
D026	All, including mixed with radioactive wastes	Apr. 8, 1998.

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D027	All, including mixed with radioactive wastes	Apr. 8, 1998.
D028	All, including mixed with radioactive wastes	Apr. 8, 1998.
D029	All, including mixed with radioactive wastes	Apr. 8, 1998.
D030	All, including mixed with radioactive wastes	Apr. 8, 1998.
D031	All, including mixed with radioactive wastes	Apr. 8, 1998.
D032	All, including mixed with radioactive wastes	Apr. 8, 1998.
D033	All, including mixed with radioactive wastes	Apr. 8, 1998.
D034	All, including mixed with radioactive wastes	Apr. 8, 1998.
D035	All, including mixed with radioactive wastes	Apr. 8, 1998.
D036	All, including mixed with radioactive wastes	Apr. 8, 1998.
D037	All, including mixed with radioactive wastes	Apr. 8, 1998.
D038	All, including mixed with radioactive wastes	Apr. 8, 1998.
D039	All, including mixed with radioactive wastes	Apr. 8, 1998.
D040	All, including mixed with radioactive wastes	Apr. 8, 1998.
D041	All, including mixed with radioactive wastes	Apr. 8, 1998.
D042	All, including mixed with radioactive wastes	Apr. 8, 1998.
D043	All, including mixed with radioactive wastes	Apr. 8, 1998.
F001-F005	All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents	Aug. 8, 1990.
F007	All	June 8, 1991.
F032	All, including mixed with radioactive wastes	May 12, 1999.
F034	All, including mixed with radioactive wastes	May 12, 1999.
F035	All, including mixed with radioactive wastes	May 12, 1999.
F037	All	Nov. 8, 1992.
F038	All	Nov. 8, 1992.
F039	Wastewater	May 8, 1992.

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K009	Wastewater	June 8, 1991.
K011	Nonwastewater	June 8, 1991.
K011	Wastewater	May 8, 1992.
K013	Nonwastewater	June 8, 1991.
K013	Wastewater	May 8, 1992.
K014	All	May 8, 1992.
K016	(dilute)	June 8, 1991.
K049	All	Aug. 8, 1990.
K050	All	Aug. 8, 1990.
K051	All	Aug. 8, 1990.
K052	All	Aug. 8, 1990.
K062	All	Aug. 8, 1990.
K071	All	Aug. 8, 1990.
K088	All	Jan. 8, 1997.
K104	All	Aug. 8, 1990.
K107	All	Nov. 8, 1992.
K108	All	Nov. 9, 1992.
K109	All	Nov. 9, 1992.
K110	All	Nov. 9, 1992.
K111	All	Nov. 9, 1992.
K112	All	Nov. 9, 1992.
K117	All	June 30, 1995.
K118	All	June 30, 1995.
K123	All	Nov. 9, 1992.
K124	All	Nov. 9, 1992.
K125	All	Nov. 9, 1992.
K126	All	Nov. 9, 1992.
K131	All	June 30, 1995.
K132	All	June 30, 1995.
K136	All	Nov. 9, 1992.
K141	All	Dec. 19, 1994.
K142	All	Dec. 19, 1994.
K143	All	Dec. 19, 1994.
K144	All	Dec. 19, 1994.
K145	All	Dec. 19, 1994.
K147	All	Dec. 19, 1994.
K148	All	Dec. 19, 1994.
K149	All	Dec. 19, 1994.
K150	All	Dec. 19, 1994.
K151	All	Dec. 19, 1994.
K156	All	July 8, 1996.
K157	All	July 8, 1996.
K158	All	July 8, 1996.
K159	All	July 8, 1996.
K160	All	July 8, 1996.
K161	All	July 8, 1996.

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NA	Newly identified wastes from titanium dioxide production and mixed radioactive/newly identified D004-D011 characteristic wastes and mineral processing wastes	
P127	All	July 8, 1996.
P128	All	July 8, 1996.
P185	All	July 8, 1996.
P188	All	July 8, 1996.
P189	All	July 8, 1996.
P190	All	July 8, 1996.
P191	All	July 8, 1996.
P192	All	July 8, 1996.
P194	All	July 8, 1996.
P196	All	July 8, 1996.
P197	All	July 8, 1996.
P198	All	July 8, 1996.
P199	All	July 8, 1996.
P201	All	July 8, 1996.
P202	All	July 8, 1996.
P203	All	July 8, 1996.
P204	All	July 8, 1996.
P205	All	July 8, 1996.
U271	All	July 8, 1996.
U277	All	July 8, 1996.
U278	All	July 8, 1996.
U279	All	July 8, 1996.
U280	All	July 8, 1996.
U328	All	Nov. 9, 1992.
U353	All	Nov. 9, 1992.
U359	All	Nov. 9, 1992.
U364	All	July 8, 1996.
U365	All	July 8, 1996.
U366	All	July 8, 1996.
U367	All	July 8, 1996.
U372	All	July 8, 1996.
U373	All	July 8, 1996.
U375	All	July 8, 1996.
U376	All	July 8, 1996.
U377	All	July 8, 1996.
U378	All	July 8, 1996.
U379	All	July 8, 1996.
U381	All	July 8, 1996.
U382	All	July 8, 1996.
U383	All	July 8, 1996.
U384	All	July 8, 1996.

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U385	All	July 8, 1996.
U386	All	July 8, 1996.
U387	All	July 8, 1996.
U389	All	July 8, 1996.
U390	All	July 8, 1996.
U391	All	July 8, 1996.
U392	All	July 8, 1996.
U395	All	July 8, 1996.
U396	All	July 8, 1996.
U400	All	July 8, 1996.
U401	All	July 8, 1996.
U402	All	July 8, 1996.
U403	All	July 8, 1996.
U404	All	July 8, 1996.
U407	All	July 8, 1996.
U409	All	July 8, 1996.
U410	All	July 8, 1996.
U411	All	July 8, 1996.

- (a) Wastes that are deep well disposed on-site receive a six-month variance, with restrictions effective in November 1990.
- (b) Deep well injected D002 liquids with a pH less than 2 must meet the California List treatment standards on August 8, 1990.
- (c) Managed in systems defined in 35 Ill. Adm. Code 730.105(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 23 Ill. Reg. 1964, effective JAN 19 1996)

Section 728. TABLE I Generator Paperwork Requirements

Required information

Subsection of Section 728.107 under Which the Paperwork Is Required:

(a)(2) (a)(3) (a)(4) (a)(9)

1. USEPA hazardous waste and manifest numbers of first shipment X X X X
2. Statement: this waste is not prohibited from land disposal X
3. The waste is subject to the LDRs. The constituents of concern for USEPA hazardous waste numbers F001 through F005 and F039 waste, and underlying hazardous constituents in characteristic waste for wastes that are not managed in a Clean-Water-Act (CWA) or CWA-equivalent facility, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice X X

4. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide) X X

5. Waste analysis data (when available) X X X
6. Date the waste is subject to the prohibition X X

7. For hazardous debris, when treating with the alternative treatment technologies provided by Section 728.145: the contaminants subject to treatment, as described in Section 728.145(b); and an indication that these contaminants are being treated to comply with Section 728.145 X

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8. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d), and the following statement: This contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subjected to/complies with) the soil treatment standards as provided by Section 728.149(c) or the universal treatment standards

9. certification is needed (see applicable subsection for exact wording)

X X

BOARD NOTE: Derived from Table 1 to 40 CFR 268.7(a)(4) (1997), as amended at 63 Fed. Reg. 28639 (May 26, 1998).

(Source: Amended at 23 Ill. Reg. 1964.11, effective JAN 19 1999)

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Section 728. TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code	Waste Description and Treatment or Regulatory Subcategory (1)	Regulated Hazardous Constituent	Wastewaters	Nonwastewaters
Common Name	CAS(2) Number	Concentration in mg/l(3); or Technology Code(4)	Concentration in mg/kg(5) unless noted as "mg/l TCLP"; or Technology Code(4)	Concentration in mg/kg(5) unless noted as "mg/l TCLP"; or Technology Code(4)

D001(9)
Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.

NA	NA	DEACT and meet Section 728.148 standards;(8) or RORGS; or CMBST	DEACT and meet Section 728.148 standards;(8) or RORGS; or CMBST	DEACT and meet Section 728.148 standards;(8) or RORGS; or CMBST
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D001(9)
High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10 percent total organic carbon. (Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	RORGS; CMBST; or POLYM	
----	----	----	------------------------	--

D002(9)
Corrosive Characteristic Wastes.

NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)	
----	----	---	---	--

D002, D004, D005, D006, D007, D008, D009, D010, D011
Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	NA	HLVIT	
Arsenic	7440-38-2	NA	HLVIT	

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Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

D003(9)

Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

NA	DEACT
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D003(9)

Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

NA	DEACT and meet	DEACT and meet
	Section	Section
	728.148	728.148
	standards(8)	standards(8)

D003(9)

Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

NA	DEACT
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D003(9)

Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

NA	DEACT and meet	DEACT and meet
	Section	Section
	728.148	728.148
	standards(8)	standards(8)

D003(9)

Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	DEACT and meet
		Section
		728.148
		standards(8)

D003(9)

Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

Cyanides (Total)(7)	57-12-5	--	590
Cyanides (Amendable)(7)	57-12-5	0.86	30

D004(9)

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity

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for arsenic based on the toxicity characteristic leaching extraction procedure (TCLP) (BP) in SW-846 Method 1311 ±3±0.

Arsenic	7440-38-2	1.4 and meet	5.0 mg/l TCLP and
		Section 728.148	meet Section
		standards(8)5-0	728.148
			standards(8)BP
			5-0-mg/l-TCLP

Arsenic-alternative(6) 7440-38-2 NA

standard
for-nonwastewaters
only-

D005(9)

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching extraction procedure (TCLP) (BP) in SW-846 Method 1311 ±3±0.

Barium	7440-39-3	1.2 and meet	21 ±0mg/l
		Section 728.148	TCLP and meet
		standards(8)±00	Section 728.148
			standards(8)

D006(9)

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching extraction procedure (TCLP) (BP) in SW-846 Method 1311 ±3±0.

Cadmium	7440-43-9	.69 and meet	.11 ±±0 mg/l
		Section 728.148	TCLP and meet
		standards(8)±00	Section 728.148
			standards(8)

D006(9)

Cadmium-Containing Batteries Subcategory

(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTTRM
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D007(9)

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching extraction procedure (TCLP) (BP) in SW-846 Method 1311 ±3±0.

Chromium (Total)	7440-47-3	2.77 and meet	0.60 5-0 mg/l
		Section 728.148	TCLP and meet
		standards(8)5-0	Section 728.148
			standards(8)

D008(9)

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching extraction procedure (TCLP) (BP) in SW-846 Method 1311 ±3±0.

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Lead	7439-92-1	0.69 and meet Section 728.148 standards(8) 5-0	0.755-0 mg/l TCLP BP and meet Section 728.148 standards(8) 5-0-mg/l-TCLP
Lead,-alternative(6) standard-for nonwastewaters-only	7439-92-1	NA	
D008(9) Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)	7439-92-1	NA	RLEAD
D008(9) Radioactive Lead Solids Subcategory (Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)	7439-92-1	NA	MACRO
Lead	7439-92-1	NA	
D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching extraction procedure (TCLP) (BP) in SW-846 Method 1311.1310; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)	7439-97-6	NA	IMERC; or RMERC
Mercury	7439-97-6	NA	
D009(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching extraction procedure (TCLP) (BP) in SW-846 Method 1311.1310; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)	7439-97-6	NA	5.7 mg/l TCLP and meet Section 728.148 standards(8)
Selenium	7782-49-2	0.82 ±-0	
D011(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching extraction procedure			

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toxicity for mercury based on the toxicity characteristic leaching extraction procedure (TCLP) (BP) in SW-846 Method 1311.1310; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)	7439-97-6	NA	0.20 mg/l TCLP and meet Section 728.148 Standards (8)
D009(9) All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based in the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)	7439-97-6	NA	0.025 mg/l TCLP and meet Section 728.148 standards(8)
Mercury	7439-97-6	NA	
D009(9) All D009 wastewaters.	7439-97-6	0.15 and 0-20 meet Section 728.148 standards(8)	NA
Mercury	7439-97-6	NA	ANLGM
D009(9) Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)	7439-97-6	NA	
Mercury	7439-97-6	NA	
D009(9) Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)	7439-97-6	NA	IMERC
Mercury	7439-97-6	NA	
D010(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching extraction procedure (TCLP) (BP) in SW-846 Method 1311.1310.	7782-49-2	0.82 ±-0	5.7 mg/l TCLP and meet Section 728.148 standards(8)
Selenium	7782-49-2	0.82 ±-0	
D011(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching extraction procedure			

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(TCCLP) (EP) in SW-846 Method 1311 1310.
Silver 7440-22-4 0.43 5-0

0.14 5-0 mg/l
TCCLP and meet
Section 728.148
standards(8)

D012(9)
Wastes that are TC for Endrin based on the toxicity characteristic leaching
procedure (TCCLP) in SW-846 Method 1311.
Endrin 72-20-8 BIODG; or
CMBST

0.13
and meet
Section
728.148

Endrin aldehyde 7421-93-4 BIODG; or
CMBST
standards(8)
0.13
and meet
Section
728.148
standards(8)

D013(9)
Wastes that are TC for Lindane based on the toxicity leaching procedure (TCCLP)
in SW-846 Method 1311.
alpha-BHC 319-84-6 CARBN; or
CMBST

0.066
and meet
Section
728.148
standards(8)

beta-BHC 319-85-7 CARBN; or
CMBST
standards(8)
0.066
and meet
Section
728.148

delta-BHC 319-86-8 CARBN; or
CMBST
standards(8)
0.066
and meet
Section
728.148

gamma-BHC (Lindane) 58-89-9 CARBN; or
CMBST
standards(8)
0.066
and meet
Section 728.148
standards(8)

D014(9)
Wastes that are TC for Methoxychlor based on the toxicity characteristic
leaching procedure (TCCLP) in SW-846 Method 1311.
Methoxychlor 72-43-5 WETOX or
CMBST
0.18
and meet

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Section
728.148
standards(8)

D015(9)
Wastes that are TC for Toxaphene based on the toxicity characteristic leaching
procedure (TCCLP) in SW-846 Method 1311.
Toxaphene 8001-35-2 BIODG or
CMBST

2.6
and meet
Section
728.148
standards(8)

D016(9)
Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the
toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
2,4-D (2,4-Dichloro-94-75-7 CHOXD;
phenoxyacetic acid) BIODG; or
CMBST

10
and meet
Section
728.148
standards(8)

D017(9)
Wastes that are TC for 2,4,5-TP (Silvex) based on the toxicity characteristic
leaching procedure (TCCLP) in SW-846 Method 1311.
2,4,5-TP (Silvex) 93-72-1 CHOXD or
CMBST

7.9
and meet
Section
728.148
standards(8)

D018(9)
Wastes that are TC for Benzene based on the toxicity characteristic leaching
procedure (TCCLP) in SW-846 Method 1311.
Benzene 71-43-2 0.14
and meet

10
and meet
Section
728.148
standards(8)

D019(9)
Wastes that are TC for Carbon tetrachloride based on the toxicity
characteristic leaching procedure (TCCLP) in SW-846 Method 1311.
Carbon tetrachloride 56-23-5 0.057
and meet

6.0
and meet
Section
728.148
standards(8)

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- D020(9)
Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Chlordane (alpha and gamma isomers)
0.0033 and meet
Section 728.148
standards(8)
- D021(9)
Wastes that are TC for Chlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Chlorobenzene
0.057 and meet
Section 728.148
standards(8)
- D022(9)
Wastes that are TC for Chloroform based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Chloroform
0.046 and meet
Section 728.148
standards(8)
- D023(9)
Wastes that are TC for o-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
o-Cresol
0.11 and meet
Section 728.148
standards(8)
- D024(9)
Wastes that are TC for m-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
m-Cresol
(difficult to distinguish from p-cresol)
0.77 and meet
Section 728.148
standards(8)
- D025(9)
Wastes that are TC for p-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
p-Cresol
0.77 and meet
Section 728.148
standards(8)

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- (difficult to distinguish from m-cresol)
and meet
Section 728.148
standards(8)
- D026(9)
Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Cresol-mixed isomers
0.88 and meet
Section 728.148
standards(8)
- (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)
and meet
Section 728.148
standards(8)
- D027(9)
Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
p-Dichlorobenzene (1,4-Dichlorobenzene)
0.090 and meet
Section 728.148
standards(8)
- D028(9)
Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
1,2-Dichloroethane
0.21 and meet
Section 728.148
standards(8)
- D029(9)
Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
1,1-Dichloroethylene
0.025 and meet
Section 728.148
standards(8)
- D030(9)
Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
2,4-Dinitrotoluene
0.32 and meet
Section 728.148
standards(8)

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	standards(8)	standards(8)
D031(9) Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Heptachlor	0.0012 and meet 728.148 standards(8) 0.016 and meet Section 728.148 standards(8)	0.066 and meet Section 728.148 standards(8) 0.066 and meet Section 728.148 standards(8)
Heptachlor epoxide	1024-57-3	
D032(9) Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Hexachlorobenzene	118-74-1 0.055 and meet Section 728.148 standards(8)	10 and meet Section 728.148 standards(8)
D033(9) Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Hexachlorobutadiene	87-68-3 0.055 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D034(9) Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Hexachloroethane	67-72-1 0.055 and meet Section 728.148 standards(8)	30 and meet Section 728.148 standards(8)
D035(9) Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Methyl ethyl ketone	78-93-3 0.28 and meet Section 728.148	36 and meet Section 728.148

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	standards(8)	standards(8)
D036(9) Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Nitrobenzene	98-95-3 0.068 and meet Section 728.148 standards(8)	14 and meet Section 728.148 standards(8)
D037(9) Wastes that are TC for Pentachlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pentachlorophenol	87-86-5 0.089 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
D038(9) Wastes that are TC for Pyridine based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pyridine	110-86-1 0.014 and meet Section 728.148 standards(8)	16 and meet Section 728.148 standards(8)
D039(9) Wastes that are TC for Tetrachloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Tetrachloroethylene	127-18-4 0.056 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D040(9) Wastes that are TC for Trichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Trichloroethylene	79-01-6 0.054 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D041(9)		

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wastes that are TC for 2,4,5-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

0.18	and meet	7.4	and meet
	Section		Section
728.148		728.148	
standards(8)		standards	

D042(9) Wastes that are TC for 2,4,6-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

0.035	and meet	7.4
	Section	and
728.148		Section
standards(8)		728.
		stan

D043(9) wastes that are TC for Vinyl chloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

	0.27	and meet Section 728.148 standards(8)	6.0	and meet Section 728.148 standard
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F001, F002, F003, F004, & F005

one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131

160	0.28
10	0.14
2.6	5.6
NA	3.8
6.0	0.057
6.0	0.057
5.6	0.11
5.6	0.77

m-Cresol (difficult to distinguish from p-

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Sample	Retention Time (min)
cresol)	
p-Cresol	106-44-5
(difficult to distinguish from m-cresol)	0.77
	5.6

Chemical	1319-77-3	0.88	11.2
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p- cresol concentrations)			

Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA

Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16

Tetradichloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2,2-Tetrachloroethane	76-13-1	0.057	30

Trichloroethane	79-12-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromono-fluoro-methane	75-69-4	0.020	30
Xylenes-mixed isomers	1330-20-7	0.32	30

(sum of o-, m-, and p-xylene concentrations)

F001, F002, F003, F004 & F005

solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728-141(c))

28.141(c)	3.8	4.8
Carbon disulfide	75-15-0	0.75
Cyclohexanone	108-94-1	0.75
Methanol	67-56-1	5.6

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

	79-46-9	(WETOX or CHOXD) fb	CMBST
2-Nitropropane			

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CARN; or

CMBST

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol

BIOG; or

CMBST

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F007

Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

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NA

2.77

1.2

0.86

0.69

3.98

NA

Cadmium

Chromium (Total)

Cyanides (Total)(7)

Cyanides (Amenable)(7)

Lead

Nickel

Silver

7440-43-9

7440-47-3

57-12-5

57-12-5

7439-92-1

7440-02-0

7440-22-4

F010

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	NA

F011

Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

Cadmium	7440-43-9	NA	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F012

Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F019

Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or

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of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Penta- chloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro- dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST(11)	CMBST(11)
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloro- propylene	10061-01-5	0.036	18

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trans-1,3-Dichloro- propylene	10061-02-6	0.036	18
bis(2-Ethylhexyl)- phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCLP
Nickel	7440-02-0	3.98	115-8 mg/l TCLP

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution.

F025--Light Ends Subcategory.			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
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HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from

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the treatment of wastewater from wood preserving processes that use creosote and/or penta-chlorophenol.			
Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)-fluoranthene)			
Benzo(k)fluoranthene			
(difficult to distinguish from benzo(b)-fluoranthene)			
Benzo(a)pyrene	207-08-9	0.11	6.8
Chrysene	50-32-8	0.061	3.4
Dibenz(a,h)-anthracene	218-01-9	0.059	3.4
2-4-Dimethylphenol	53-70-3	0.055	8.2
Fluorene	105-67-9	0.036	14
Hexachlorodibenzo-p-dioxins	86-73-7	0.059	3.4
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachloro-dibenzo-p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Pentachloro-dibenzofurans	NA	0.000035 or CMBST(11)	0.001 or CMBST(11)
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Tetrachloro-dibenzo-p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)

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Tetrachloro-dibenzofurans	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
2,3,4,6-Tetra chlorophenol	58-90-2	0.030	7.4
2,4,6-Tri-chlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.608-86 mg/l TCLP
F034			
Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drilpage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.			
Acenaphthene	83-32-9	0.059	3.4
Anthrancene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)-fluoranthene)			
Benz(k)fluoranthene			
anthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo(b)-fluoranthene)			
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.608-86 mg/l TCLP

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F035			
Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drilpage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.608-86 mg/l TCLP
F037			
Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.			
Acenaphthene	83-32-9	0.059	NA
Anthrancene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.608-86 mg/l TCLP
Cyanides (Total)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-9 mg/l TCLP

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F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.609-86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-6 mg/l TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140

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Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Bena(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo-(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo-(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-ether	39638-32-9	0.055	7.2

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P-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
O-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
P-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
O,p'-DDD	53-19-0	0.023	0.087
P,p'-DDD	72-54-8	0.023	0.087
O,p'-DDE	3424-82-6	0.031	0.087
P,p'-DDE	72-55-9	0.031	0.087
O,p'-DDT	789-02-6	0.0039	0.087
P,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18

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Diadrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
2-4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propane-nitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001

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Barium	7440-39-3	1.2	217-6 mg/1	TCCLP
Beryllium	7440-41-7	0.82	NA	
Cadmium	7440-43-9	0.69	0.110-19 mg/1	TCCLP
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/1	TCCLP
Cyanides (Total)(7)	57-12-5	1.2	590	
Cyanides (Amenable)(7)	57-12-5	0.86	NA	
Fluoride	16964-48-8	35	NA	
Lead	7439-92-1	0.69	0.750-37 mg/1	TCCLP
Mercury	7439-97-6	0.15	0.025 mg/1	TCCLP
Nickel	7440-02-0	3.98	115-0 mg/1	TCCLP
Selenium	7782-49-2	0.82	5.70-16 mg/1	TCCLP
Silver	7440-22-4	0.43	0.140-30 mg/1	TCCLP
Sulfide	8496-25-8	14	NA	
Thallium	7440-28-0	1.4	NA	
Vanadium	7440-62-2	4.3	NA	

K001

Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.

Naphthalene	91-20-3	0.059	5.6	
Pentachlorophenol	87-86-5	0.089	7.4	
Phenanthrene	85-01-8	0.059	5.6	
Pyrene	129-00-0	0.067	8.2	
Toluene	108-88-3	0.080	10	
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30	
Lead	7439-92-1	0.69	0.750-37 mg/1	TCCLP

K002

Wastewater treatment sludge from the production of chrome yellow and orange pigments.

Chromium (Total)	7440-47-3	2.77	0.600-86 mg/1	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/1	TCCLP

K003

Wastewater treatment sludge from the production of molybdate orange pigments.

Chromium (Total)	7440-47-3	2.77	0.600-86 mg/1	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/1	TCCLP

K004

Wastewater treatment sludge from the production of zinc yellow pigments.

Chromium (Total)	7440-47-3	2.77	0.600-86 mg/1	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/1	TCCLP

K005

Wastewater treatment sludge from the production of chrome green pigments.

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Chromium (Total)	7440-47-3	2.77	0.600-86 mg/1	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/1	TCCLP
Cyanides (Total)(7)	57-12-5	1.2	590	
K006				
Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/1	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/1	TCCLP
K006				
Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/1	TCCLP
Lead	7439-92-1	0.69	NA	
K007				
Wastewater treatment sludge from the production of iron blue pigments.				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/1	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/1	TCCLP
Cyanides (Total)(7)	57-12-5	1.2	590	
K008				
Oven residue from the production of chrome oxide green pigments.				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/1	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/1	TCCLP
K009				
Distillation bottoms from the production of acetaldehyde from ethylene.				
Chloroform	67-66-3	0.046	6.0	
K010				
Distillation side cuts from the production of acetaldehyde from ethylene.				
Chloroform	67-66-3	0.046	6.0	
K011				
Bottom stream from the wastewater stripper in the production of acrylonitrile.				
Acetonitrile	75-05-8	5.6	38	
Acrylonitrile	107-13-1	0.24	84	
Acrylamide	79-06-1	19	23	
Benzene	71-43-2	0.14	10	
Cyanide (Total)	57-12-5	1.2	590	
K013				
Bottom stream from the acetonitrile column in the production of acrylonitrile.				
Acetonitrile	75-05-8	5.6	38	
Acrylonitrile	107-13-1	0.24	84	
Acrylamide	79-06-1	19	23	

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Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
K014			
Bottoms from the acetonitrile purification column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K015

Still bottoms from the distillation of benzyl chloride.

Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.609-86 mg/l TCLP
Nickel	7440-02-0	3.98	115-8 mg/l TCLP

K016

Heavy ends or distillation residues from the production of carbon tetrachloride.

Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0

K017

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30

K018

Heavy ends from the fractionation column in ethyl chloride production.

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Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

K021

Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.152±1 mg/l TCLP

K022

Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine	122-39-4	0.92	13
(difficult)			

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By-product salts generated in the production of MSMA and cacodylic acid.
Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

K032 Wastewater treatment sludge from the production of chlordane. 2.4
Hexachlorocyclopenta- 77-47-4 0.057
diene
Chlordane (alpha and 57-74-9 0.0033
gamma isomers)
Heptachlor 76-44-8 0.0012
Heptachlor epoxide 1024-57-3 0.016 0.066 0.066

K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
Hexachlorocyclopenta- 77-47-4 0.057 2.4
diene

K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.
Hexachlorocyclopenta- 77-47-4 0.057 2.4
diene

K035 Wastewater treatment sludges generated in the production of creosote.
Acenaphthene 83-32-9 NA 3.4
Anthracene 120-12-7 NA 3.4
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Chrysene 218-01-9 0.059 3.4
o-Cresol 95-48-7 0.11 5.6
m-Cresol 108-39-4 0.77 5.6
p-Cresol 106-44-5 0.77 5.6
(difficult to distinguish from p-cresol)
(difficult to distinguish from m-cresol)
Dibenz(a,h)anthracene 53-70-3 NA 8.2
Fluoranthene 206-44-0 0.068 3.4
Fluorene 86-73-7 NA 3.4
Indeno(1,2,3-cd)pyrene 193-39-5 NA 3.4
Naphthalene 91-20-3 0.059 5.6
Phenanthrene 85-01-8 0.059 5.6
Phenol 108-95-2 0.039 6.2
Pyrene 129-00-0 0.067 8.2

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K036 Still bottoms from toluene reclamation distillation in the production of disulfoton.
Disulfoton 298-04-4 0.017 6.2

K037 Wastewater treatment sludges from the production of disulfoton.
Disulfoton 298-04-4 0.017 6.2
Toluene 108-88-3 0.080 10

K038 Wastewater from the washing and stripping of phosphate production.
Phosphate 298-02-2 0.021 4.6

K039 Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.
NA NA CAREN; or CMBST

K040 Wastewater treatment sludge from the production of phosphate.
Phosphate 298-02-2 0.021 4.6

K041 Wastewater treatment sludge from the production of toxaphene.
Toxaphene 8001-35-2 0.0095 2.6

K042 Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.
o-Dichlorobenzene 95-50-1 0.088 6.0
p-Dichlorobenzene 106-46-7 0.090 6.0
Pentachlorobenzene 608-93-5 0.055 10
1,2,4,5-Tetrachloro- 95-94-3 0.055 14
benzene
1,2,4-Trichlorobenzene 120-82-1 0.055 19

K043 2,6-Dichlorophenol waste from the production of 2,4-D.
2,4-Dichlorophenol 120-83-2 0.044 14
2,6-Dichlorophenol 187-65-0 0.044 14
2,4,5-Trichlorophenol 95-95-4 0.18 7.4
2,4,6-Trichlorophenol 88-06-2 0.035 7.4
2,3,4,6-Tetrachloro- 58-90-2 0.030 7.4
phenol
Pentachlorophenol 87-86-5 0.089 7.4
Tetrachloroethylene 127-18-4 0.056 6.0

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HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
K044 Wastewater treatment sludges from the manufacturing and processing of explosives.	NA	DEACT	DEACT
K045 Spent carbon from the treatment of wastewater containing explosives.	NA	DEACT	DEACT
K046 Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	7439-92-1	0.69	0.750-37 mg/l TCCLP
K047 Pink or red water from TNT operations.	NA	DEACT	DEACT
K048 Dissolved air flotation (DAF) float from the petroleum refining industry.	71-43-2	0.14	10
Benzene	50-32-8	0.61	3.4
Benzo(a)pyrene	117-81-7	0.28	28
bis(2-Ethylhexyl) phthalate	218-01-9	0.059	3.4
Chrysene	84-74-2	0.057	28
Di-n-butyl phthalate	100-41-4	0.057	10
Ethylbenzene	86-73-7	0.059	NA
Fluorene	91-20-3	0.059	5.6
Naphthalene	85-01-8	0.059	5.6
Phenanthrene	108-95-2	0.039	6.2
Phenol	129-00-0	0.067	8.2
Pyrene	108-88-33	0.080	10
Toluene	1330-20-7	0.32	30
Xylenes-mixed isomers (sum of o-, m-, and p-)			

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xylene concentrations)			
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-0 mg/l TCCLP
K049 Slop oil emulsion solids from the petroleum refining industry.			
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-)	1330-20-7	0.32	30
xylene concentrations)			
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-0 mg/l TCCLP
K050 Heat exchanger bundle cleaning sludge from the petroleum refining industry.			
Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-0 mg/l TCCLP
K051 API separator sludge from the petroleum refining industry.			
Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28

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Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylene-mixed isomers	1330-20-7	0.32	30
(sum of o-, m-, and p-xylene concentrations)			
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-0 mg/l TCCLP

K052

Tank bottoms (lead) from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo (a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6

(difficult to distinguish from p-cresol)

p-Cresol	106-44-5	0.77	5.6
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(difficult to distinguish from m-cresol)

2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylene-mixed isomers	1330-20-7	0.32	30

(sum of o-, m-, and p-xylene concentrations)

Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-0 mg/l TCCLP

K060

Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzo(a) pyrene	50-32-8	0.061	3.4

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Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
K061			
Emission control dust or electric furnaces.			
Antimony	7440-36-0	NA	1.152-1 mg/l TCCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCCLP
Barium	7440-39-3	NA	217-6 mg/l TCCLP
Beryllium	7440-41-7	NA	1.220-014 mg/l TCCLP
Cadmium	7440-43-9	0.69	0.110-19 mg/l TCCLP
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l TCCLP
Mercury	7439-97-6	NA	0.025 mg/l TCCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCCLP
Selenium	7782-49-2	NA	5.70-16 mg/l TCCLP
Silver	7740-22-4	NA	0.140-30 mg/l TCCLP
Thallium	7440-28-0	NA	0.200-070 mg/l TCCLP
Zinc	7440-66-6	NA	4.35-3 mg/l TCCLP

K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7740-47-3	2.77	0.600-06 mg/l TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l TCCLP
Nickel	7440-02-0	3.98	NA

K069

Emission control dust or sludge from secondary lead smelting. - Calcium sulfate

(Low Lead) Subcategory			
Cadmium	7440-43-9	0.69	0.110-19 mg/l TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l TCCLP

K069

Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory

NA	NA	NA	NA
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K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCCLP
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K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is to used) nonwastewaters that

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are not residues from RMERC.

Mercury 7439-97-6 NA 0.025 mg/l
TCLP

K071

All K071 wastewaters.

Mercury 7439-97-6 0.015 NA

K073

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride 56-23-5 0.057 6.0
Chloroform 67-66-3 0.046 6.0
Hexachloroethane 67-72-1 0.055 30
Tetrachloroethylene 127-18-4 0.056 6.0
1,1,1-Trichloroethane 71-55-6 0.054 6.0

K083

Distillation bottoms from aniline production.

Aniline 62-53-3 0.81 14
Benzene 71-43-2 0.14 10
Cyclohexanone 108-94-1 0.36 NA
Diphenylamine 122-39-4 0.92 13

(difficult to distinguish from diphenylnitrosamine)

Diphenylnitrosamine 86-30-6 0.92 13

(difficult to distinguish from diphenylamine)

Nitrobenzene 98-95-3 0.068 14
Phenol 108-95-2 0.039 6.2
Nickel 7440-02-0 3.98 115-00 mg/l TCLP

K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene 71-43-2 0.14 10
Chlorobenzene 108-90-7 0.057 6.0
m-Dichlorobenzene 541-73-1 0.036 6.0
o-Dichlorobenzene 95-50-1 0.088 6.0
p-Dichlorobenzene 106-46-7 0.090 6.0
Hexachlorobenzene 118-74-1 0.055 10

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Total PCBs 1336-36-3 0.10 10
(sum of all PCB isomers, or all Aroclors)
Pentachlorobenzene 608-93-5 0.055 10
1,2,4,5-Tetrachlorobenzene 95-94-3 0.055 14
1,2,4-Trichlorobenzene 120-82-1 0.055 19

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone 67-64-1 0.28 160
Acetophenone 96-86-2 0.010 9.7
bis(2-Ethylhexyl) phthalate 117-81-7 0.28 28

n-Butyl alcohol 71-36-3 5.6 2.6
Butylbenzyl phthalate 85-68-7 0.017 28

Cyclohexanone 108-94-1 0.36 NA
o-Dichlorobenzene 95-50-1 0.088 6.0

Diethyl phthalate 84-66-2 0.20 28
Dimethyl phthalate 131-11-3 0.047 28

Di-n-butyl phthalate 84-74-2 0.057 28
Di-n-octyl phthalate 117-84-0 0.017 28

Ethyl acetate 141-78-6 0.34 33
Ethylbenzene 100-41-4 0.057 10

Methanol 67-56-1 5.6 NA
Methyl ethyl ketone 78-93-3 0.28 36

Methyl isobutyl ketone 108-10-1 0.14 33
Methylene chloride 75-09-2 0.089 30

Naphthalene 91-20-3 0.059 5.6
Nitrobenzene 98-95-3 0.068 14

Toluene 108-88-3 0.080 10
1,1,1-Trichloroethane 71-55-6 0.054 6.0

Trichloroethylene 79-01-6 0.054 6.0
Xylenes-mixed isomers 1330-20-7 0.32 30

(sum of o-, m-, and p-xylene concentrations) 1330-20-7 0.32 30
Chromium (Total) 7440-47-3 2.77 0.600-06 mg/l TCLP

Cyanides (Total)(7) 57-12-5 1.2 590
Lead 7439-92-1 0.69 0.750-37 mg/l TCLP

K087

Decanter tank tar sludge from coking operations.

Acenaphthylene 208-96-8 0.059 3.4
Benzene 71-43-2 0.14 10
Chrysene 218-01-9 0.059 3.4
Fluoranthene 206-44-0 0.068 3.4

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Indenol(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers	1330-20-7	0.32	30
(sum of O-, m-, and p- xylene concentrations)			
Lead	7439-92-1	0.069	0.750-37 mg/l TCLP

K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.152-3 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	217-6 mg/l TCLP
Beryllium	7440-41-7	0.82	1.220-014 mg/l TCLP

Cadmium	7440-43-9	0.69	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Selenium	7782-49-2	0.82	5.70-16 mg/l TCLP
Silver	7440-22-4	0.43	0.140-30 mg/l TCLP
Cyanide (Total)(7)	57-12-5	1.2	590
Cyanide (Amenable)(7)	57-12-5	0.86	30
Fluoride	16984-48-8	35	48 mg/l TCLP

K093

Distillation light ends from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K094 Distillation bottoms from the production of ortho-xylene.			
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K096

Heavy ends from the production of 1,1,1-trichloroethane.

1,1,1-trichloroethane.			
m-Dichlorobenzene	541-73-1	0.036	6.0
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K097

Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

Chlordane alpha and gamma isomers)	57-74-9	0.0033	0.26
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K103

Process residues from aniline extraction from the production of aniline.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2

K104

Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590

K105

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
O-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC
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K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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K106

Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K098

Untreated process wastewater from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6
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K099

Untreated wastewater from the production of 2,4-D.

2,4-Dichlorophenoxy-	94-75-7	0.72	10
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acetic acid

HxCDDs (All Hexachloro-	NA	0.000063	0.001
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dibenzo-p-dioxins)

HxCDFs (All Hexachloro-	NA	0.000063	0.001
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dibenzofurans)

PeCDDs (All Pentachloro-	NA	0.000063	0.001
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dibenzo-p-dioxins)

PeCDFs (All Pentachloro-	NA	0.000035	0.001
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dibenzofurans)

TCDDs (All Tetrachloro-	NA	0.000063	0.001
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dibenzo-p-dioxins)

TCDFs (All Tetrachloro-	NA	0.000063	0.001
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dibenzofurans)

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium	7440-43-9	0.69	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.500-06 mg/l TCLP
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP

K101

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

O-Nitroaniline	88-74-4	0.27	14
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

O-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
toluenediamine via hydrogenation of dinitrotoluene.	NA CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	toluenediamine via hydrogenation of dinitrotoluene.	NA CMBST; or CHOXD fb CARBN; or BIODG fb CARBN
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA	CARBN; or CMBST	NA	CARBN; or CMBST
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
NA	CARBN; or CMBST	NA	CARBN; or CMBST
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.
Nickel	7440-02-0 3.98 NA CARBN; or CMBST	Nickel	7440-02-0 3.98 NA CARBN; or CMBST
NA	11 5-0 mg/l TCLP CMBST	NA	11 5-0 mg/l TCLP CMBST
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.
NA	CARBN; or CMBST	NA	CARBN; or CMBST
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo-methane)	74-83-9 0.11	Methyl bromide (Bromo-methane)	74-83-9 0.11
Chloroform	67-66-3 0.046	Chloroform	67-66-3 0.046
Ethylene-dibromide (1,2-Dibromoethane)	106-93-4 0.028	Ethylene-dibromide (1,2-Dibromoethane)	106-93-4 0.028
K118	Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	K118	Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo-methane)	74-83-9 0.11	Methyl bromide (Bromo-methane)	74-83-9 0.11
Chloroform	67-66-3 0.046	Chloroform	67-66-3 0.046
Ethylene dibromide	106-93-4 0.028	Ethylene dibromide	106-93-4 0.028

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
Mercury	7439-97-6 NA	Mercury	7439-97-6 NA
0.025 mg/l TCLP		0.025 mg/l TCLP	
K106	All K106 wastewaters.	K106	All K106 wastewaters.
Mercury	7439-97-6 0.15	Mercury	7439-97-6 0.15
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.	K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.
2,4-Dinitrotoluene	121-1-1 0.32	2,4-Dinitrotoluene	121-1-1 0.32
2,6-Dinitrotoluene	606-20-2 0.55	2,6-Dinitrotoluene	606-20-2 0.55
K112	Reaction by-product water from the drying column in the production of	K112	Reaction by-product water from the drying column in the production of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(1,2-Dibromoethane)

K123

Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenedisulfocarbamic acid and its salts.

NA
CMBST;
or CHOXD fb
(BIODG or
CARN)

K124

Reactor vent scrubber water from the production of ethylenedisulfocarbamic acid and its salts.

NA
CMBST;
or CHOXD fb
(BIODG or
CARN)

K125

Filtration, evaporation, and centrifugation solids from the production of ethylenedisulfocarbamic acid and its salts.

NA
CMBST;
or CHOXD fb
(BIODG or
CARN)

K126

Baghouse dust and floor sweeping in milling and packaging operations from the production or formulation of ethylenedisulfocarbamic acid and its salts.

NA
CMBST;
or CHOXD fb
(BIODG or
CARN)

K131

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

Methyl bromide (Bromo- 74-83-9 0.11 15
methane)

K132

Spent absorbent and wastewater separator solids from the production of methyl bromide.

Methyl bromide (Bromo- 74-83-9 0.11 15
methane)

K136

Still bottoms from the purification of ethylene dibromide in the production of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo- 74-83-9 0.11 15
methane)
Chloroform 67-66-3 0.046 6.0
Ethylene dibromide 106-93-4 0.028 15
(1,2-Dibromoethane)

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-2-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to
distinguish from benzo-
(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to
distinguish from benzo-
(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4
Diben (a,h)anthracene 53-70-3 0.055 8.2
Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benzo(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to
distinguish from benzo-
(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to
distinguish from benzo-
(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Ideno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

K147

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8

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NOTICE OF ADOPTED AMENDMENTS

(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(1,2-Dibromoethane)

K123 Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenedisithiocarbamic acid and its salts. NA CMBST; or CHOXD fb (BIODG or CARBN) CMBST

K124 Reactor vent scrubber water from the production of ethylenedisithiocarbamic acid and its salts. NA CMBST; or CHOXD fb (BIODG or CARBN) CMBST

K125 Filtration, evaporation, and centrifugation solids from the production of ethylenedisithiocarbamic acid and its salts. NA CMBST; or CHOXD fb (BIODG or CARBN) CMBST

K126 Baghouse dust and floor sweeping in milling and packaging operations from the production or formulation of ethylenedisithiocarbamic acid and its salts. NA CMBST; or CHOXD fb (BIODG or CARBN) CMBST

K131 Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide. Methyl bromide (Bromo- 74-83-9 0.11 15 methane)

K132 Spent absorbent and wastewater separator solids from the production of methyl bromide. Methyl bromide (Bromo- 74-83-9 0.11 15 methane)

K136 Still bottoms from the purification of ethylene dibromide in the production of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo- 74-83-9 0.11 15 methane)
Chloroform 67-66-3 0.046 6.0
Ethylene dibromide 106-93-4 0.028 15
(1,2-Dibromoethane)

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene 71-43-2 0.14 10
Benz(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-2-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to distinguish from benzo-(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4
Diben (a,h)anthracene 53-70-3 0.055 8.2
Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
Benzo(a)anthracene 56-55-3 0.059 3.4
Benzo(a)pyrene 50-32-8 0.061 3.4
Benzo(b)fluoranthene 205-99-2 0.11 6.8
(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8
(difficult to distinguish from benzo-(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4
Dibenz(a,h)anthracene 53-70-3 0.055 8.2
Ideno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

K147

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
1,1,2,2-Tetrachloro- ethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
o-Phenylenediamine	95-54-5	0.056	5.6
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5

K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.(10)

Benzene	71-43-2	0.14	10
Butylate	2008-41-5	0.042	1.4
EPTC (Eptam)	759-94-4	0.042	1.4
Molinate	2212-67-1	0.042	1.4
Pebulate	1114-71-2	0.042	1.4
Vernolate	1929-77-7	0.042	1.4

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.(10)

Antimony	7440-36-0	1.9	1.152±t mg/l TCLP
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Arsenic	7440-38-2	1.41-9	5.0 mg/l TCCLP
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCCLP
Dithiocarbamates (total)	NA	0.028	28
Lead	7439-92-1	0.69	0.750-37 mg/l TCCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCCLP
Selenium	7782-49-2	0.82	5.70-16 mg/l TCCLP

K169

Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	1.0
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	1.0
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	1.0
Xylene(s) (Total)	1330-20-7	0.32	30

K170

Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	1.0
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	1.0
Fluorene	86-73-7	0.059	3.4
Ideno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	1.0
Xylene(s) (Total)	1330-20-7	0.32	30

K171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	1.0
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	1.0
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Toluene (Methyl Benzene)	108-88-3	0.080	1.0
Xylene(s) (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/L TCCLP
Nickel	7440-02-0	3.98	11.0 mg/L TCCLP
Vanadium	7440-62-2	4.3	1.6 mg/L TCCLP
Reactive sulfides	NA	DEACT	DEACT

K172

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benzene	71-43-2	0.14	1.0
Ethyl benzene	100-41-4	0.057	1.0
Toluene (Methyl Benzene)	108-88-3	0.080	1.0
Xylene(s) (Total)	1330-20-7	0.32	30
Antimony	7740-36-0	1.9	1.15 mg/L TCCLP
Arsenic	7740-38-2	1.4	5 mg/L TCCLP
Nickel	7440-02-0	3.98	11.0 mg/L TCCLP
Vanadium	7440-62-2	4.3	1.6 mg/L TCCLP
Reactive Sulfides	NA	DEACT	DEACT

K173

Warfarin, & salts, when present at concentrations greater than 0.3 percent

Warfarin	81-81-2	(WETOX or CHOXD) fb	CMBST
		CARBN; or	
		CMBST	

P002

1-Acetyl-2-thiourea
1-Acetyl-2-thiourea

	591-08-2	(WETOX or CHOXD) fb	CMBST
		CARBN; or	
		CMBST	

P003

Acrolein
Acrolein

	107-02-8	0.29	CMBST
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P004

Aldrin
Aldrin

	309-00-2	0.021	0.066
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P005

Allyl alcohol
Allyl alcohol

	107-18-6	(WETOX or CHOXD) fb	CMBST
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POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P006 Aluminum phosphide Aluminum phosphide	20859-73-8	CARBEN; or CMBST	CHOXD;CHRED; or CMBST
P007 5-Aminomethyl-3- isoxazolol 5-Aminomethyl-3-isoxa- zolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P008 4-Aminopyridine 4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P009 Ammonium picrate Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P010 Arsenic acid Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P011 Arsenic pentoxide Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P012 Arsenic trioxide Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P013 Barium cyanide Barium Cyanides (Total)(7) Cyanides (Amendable)(7)	7440-39-3 57-12-5 57-12-5	NA 1.2 0.86	217÷6 mg/l TCLP 590 30
P014			

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

Thiophenol (Benzene thiol) Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015 Beryllium dust Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM
P016 Dichloromethyl ether (Bis(chloromethyl)ether) Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017 Bromoacetone Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018 Brucine Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) phenol (Dinoseb)	88-85-7	0.066	2.5
P021 Calcium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P022 Carbon disulfide Carbon disulfide Carbon disulfide; alternate(6) standard for nonwastewaters only	75-15-0 75-15-0	3.8 NA	CMBST 4.8 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P023	Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P024	p-Chloroaniline	106-47-8	0.46	16		
P026	1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P027	3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P028	Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P029	Copper cyanide	57-12-5	1.2	590		
	Cyanides (Total)(7)	57-12-5	0.86	30		
P030	Cyanides (soluble salts and complexes)	57-12-5	1.2	590		
	Cyanides (Total)(7)	57-12-5	0.86	30		
P031	Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST		
P033						
	Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST			CHOXD; WETOX; or CMBST
P034	2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARN; or CMBST			CMBST
P036	Dichlorophenylarsine	7440-38-2	1.4			5.0 mg/l TCLP
P037	Dieldrin	60-57-1	0.017			0.13
P038	Diethylarsine	7440-38-2	1.4			5.0 mg/l TCLP
P039	Disulfoton	298-04-4	0.017			6.2
P040	O,O-Diethyl-O-pyrazinyl-phosphorothioate	297-97-2	CARN; or CMBST			CMBST
P041	Diethyl-p-nitrophenyl phosphate	311-45-5	CARN; or CMBST			CMBST
P042	Epinephrine	51-43-4	(WETOX or CHOXD) fb CARN; or CMBST			CMBST
P043	Diisopropylfluorophosphate (DFP)	55-91-4	CARN; or CMBST			CMBST

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P044 Dimethoate Dimethoate	60-51-5	CARBN; or CMBST	CMBST	Endrin Endrin Endrin aldehyde	72-20-8 7421-93-4	0.0028 0.025	0.13 0.13
P045 Thiofanox Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	P054 Aziridine Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046 alpha,alpha-Dimethylphenethylamine alpha,alpha-Dimethyl- phenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	P056 Fluorine Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR
P047 4,6-Dinitro-O-cresol 4,6-Dinitro-O-cresol	543-52-1	0.28	160	P057 Fluoroacetamide Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047 4,6-Dinitro-O-cresol salts NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	P058 Fluoroacetic acid, sodium salt Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048 2,4-Dinitrophenol 2,4-Dinitrophenol	51-28-5	0.12	160	P059 Heptachlor Heptachlor Heptachlor epoxide	76-44-8 1024-57-3	0.0012 0.016	0.066 0.066
P049 Dithiobiuret Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	P060 Isodrin Isodrin	465-73-6	0.021	0.066
P050 Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	939-98-8 33213-6-5 1031-07-8	0.023 0.029 0.029	0.066 0.13 0.13	P062 Hexaethyl tetraphosphate Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
P051				P063 Hydrogen cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P064	Isocyanic acid, ethyl ester	(WETOX or CHOXD) fb	CMBST	
	Isocyanic acid, ethyl ester	624-83-9		
P065	(mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.		IMERC	
	Mercury	7439-97-6	NA	
P065	(mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.			
	Mercury	7339-97-6	RMERC	
P065	(mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.			
	Mercury	7439-97-6	NA	0.20 mg/l TCLP
P065	(mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.			
	Mercury	7439-97-6	NA	0.025 mg/l TCLP
P065	All P065 (mercury fulminate) wastewaters.			
	Mercury	7439-97-6	0.15	NA
P066	Methomyl			
	Methomyl	16752-77-5	(WETOX or CHOXD) fb	CMBST
			CARBN; or CMBST	
P067	2-Methyl-aziridine			
	2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb	CMBST
			CARBN; or CMBST	
P068				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

	Methyl hydrazine			
	Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P069	2-Methylacetonitrile			
	2-Methylacetonitrile	75-86-5	(WETOX or CHOXD) fb	CMBST
			CARBN; or CMBST	
P070	Aldicarb			
	Aldicarb	116-06-3	(WETOX or CHOXD) fb	CMBST
			CARBN; or CMBST	
P071	Methyl parathion			
	Methyl parathion	298-00-0	0.014	4.6
P072	1-Naphthyl-2-thiourea			
	1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb	CMBST
			CARBN; or CMBST	
P073	Nickel carbonyl			
	Nickel	7440-02-0	3.98	115±0 mg/l TCLP
P074	Nickel cyanide			
	Cyanides (Total)(7)	57-12-5	1.2	590
	Cyanides (Amenable)(7)	57-12-5	0.86	30
	Nickel	7440-02-0	3.98	115±0 mg/l TCLP
P075	Nicotine and salts			
	Nicotine and salts	54-11-5	(WETOX or CHOXD) fb	CMBST
			CARBN; or CMBST	
P076				

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P044 Dimethoate Dimethoate	60-51-5	CARBN; or CMBST	Endrin Endrin Endrin aldehyde	72-20-8 7421-93-4	0.0028 0.025	0.13 0.13
P045 Thiofanox Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	P054 Aziridine Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046 alpha,alpha-Dimethylphenethylamine alpha,alpha-Dimethyl- phenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	P056 Fluorine Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR
P047 4,6-Dinitro-o-cresol 4,6-Dinitro-o-cresol	543-52-1	0.28	P057 Fluoroacetamide Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047 4,6-Dinitro-o-cresol salts NA	NA		P058 Fluoroacetic acid, sodium salt Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048 2,4-Dinitrophenol 2,4-Dinitrophenol	51-28-5	0.12	P059 Heptachlor Heptachlor Heptachlor epoxide	76-44-8 1024-57-3	0.0012 0.016	0.066 0.066
P049 Dithiobiuret Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	P060 Isodrin Isodrin	465-73-6	0.021	0.066
P050 Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	939-98-8 33213-6-5 1031-07-8	0.023 0.029 0.029	P062 Hexaethyl tetraphosphate Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
P051			P063 Hydrogen cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30

POLLUTION CONTROL BOARD

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P064	Isocyanic acid, ethyl ester		
	Isocyanic acid, ethyl ester	624-83-9	CMBST
P065	(mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	7439-97-6	NA
	Mercury		IMERC
P065	(mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.		
	Mercury	7339-97-6	RMERC
P065	(mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.		
	Mercury	7439-97-6	NA
P065	(mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.		
	Mercury	7439-97-6	NA
P065	All P065 (mercury fulminate) wastewaters.		
	Mercury	7439-97-6	0.15
P066	Methomyl		
	Methomyl	16752-77-5	(WETOX or CHOXD) fb
			CARBEN; or CMBST
P067	2-Methyl-aziridine		
	2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb
			CARBEN; or CMBST
P068			

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	Methyl hydrazine				
	Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST		CHOXD; CHRED, or CMBST
P069	2-Methylactonitrile				
	2-Methylactonitrile	75-86-5	(WETOX or CHOXD) fb		CMBST
			CARBEN; or CMBST		
P070	Aldicarb				
	Aldicarb	116-06-3	(WETOX or CHOXD) fb		CMBST
			CARBEN; or CMBST		
P071	Methyl parathion				
	Methyl parathion	298-00-0	0.014		4.6
P072	1-Naphthyl-2-thiourea				
	1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb		CMBST
			CARBEN; or CMBST		
P073	Nickel carbonyl				
	Nickel	7440-02-0	3.98		115±0 mg/l TCCLP
P074	Nickel cyanide				
	Cyanides (Total)(7)	57-12-5	1.2		590
	Cyanides (Amenable)(7)	57-12-5	0.86		30
	Nickel	7440-02-0	3.98		115±0 mg/l TCCLP
P075	Nicotine and salts				
	Nicotine and salts	54-11-5	(WETOX or CHOXD) fb		CMBST
			CARBEN; or CMBST		
P076					

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
Nitric oxide	ADGAS	P092	(phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.
Nitric oxide	ADGAS	P092	(phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.
P077		Mercury	7439-97-6 NA IMERC; or RMERC
p-Nitroaniline	0.028		
P-Nitroaniline			
P078			
Nitrogen dioxide	ADGAS	P092	(phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.
Nitrogen dioxide	ADGAS	Mercury	7439-97-6 NA RMERC
P081			
Nitroglycerin	CHOD; CHRED; CARBN; BIODG or CMBST	P092	(phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.
Nitroglycerin		Mercury	7439-97-6 NA 0.20 mg/l TCLP
P082			
N-Nitrosodimethylamine	0.40	P092	(phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.
N-Nitrosodimethylamine		Mercury	7439-97-6 NA 0.025 mg/l TCLP
P084			
N-Nitrosomethylvinylamine	(WETOX or CHOD) fb CARBN; or CMBST	P092	All P092 (phenyl mercuric acetate) wastewaters.
N-Nitrosomethylvinyl-amine		Mercury	7439-97-6 0.15 NA
P085			
Octamethylpyrophosphoramide	CARBN; or CMBST	P093	Phenylthiourea
Octamethylpyrophosphoramide		Phenylthiourea	103-85-5 (WETOX or CHOD) fb CARBN; or CMBST
P087			
Osmium tetroxide	RMETL; or RTHRM	P094	Phosphate
Osmium tetroxide		Phosphate	298-02-2 0.021 4.6
P088			
Endothall	(WETOX or CHOD) fb CARBN; or CMBST	P095	Phosgene
Endothall		Phosgene	75-44-5 (WETOX or CHOD) fb CARBN; or CMBST
P089			
Parathion	0.014	P096	Phosphine
Parathion			

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Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P097			
Famphur	52-85-7	0.017	15
P098			
Potassium cyanide.			
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
P099			
Potassium silver cyanide			
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Silver	7440-22-4	0.43	<u>0.140-30</u> mg/l TCLP
P101			
Ethyl cyanide (Propanenitrile)			
Ethyl cyanide	107-12-0	0.24	360
(Propanenitrile)			
P102			
Propargyl alcohol			
Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P103			
Selenourea			
Selenium	7782-49-2	0.82	<u>5.70-16</u> mg/l TCLP
P104			
Silver cyanide			
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Silver	7440-22-4	0.43	<u>0.140-30</u> mg/l TCLP
P105			
Sodium azide			
Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P106			
Sodium cyanide			
Cyanides (Total)(7)	57-12-5	1.2	590

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Cyanides (Amenable)(7)	57-12-5	0.86	30
P108			
Strychnine and salts			
Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109			
Tetraethyldithiopyrophosphate			
Tetraethyldithiopyro- phosphate	3689-24-5	CARBN; or CMBST	CMBST
P110			
Tetraethyl lead			
Lead	7439-92-1	0.69	<u>0.750-37</u> mg/l TCLP
P111			
Tetraethylpyrophosphate			
Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST
P112			
Tetranitromethane			
Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P113			
Thallic oxide			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114			
Thallium selenite			
Selenium	7782-49-2	0.82	<u>5.70-16</u> mg/l TCLP
P115			
Thallium (I) sulfate			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P116			
Thiosemicarbazide			
Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or	CMBST

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m-Cumenyl methyl- carbamate	64-00-6	0.056	1.4
P203 Aldicarb sulfone(10) Aldicarb sulfone	1646-88-4	0.056	0.28
P204 Physostigmine(10) Physostigmine	57-47-6	0.056	1.4
P205 Zirman(10) Dithiocarbamates (total)	NA	0.028	28
U001 Acetaldehyde Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002 Acetone Acetone	67-64-1	0.28	160
U003 Acetonitrile Acetonitrile Acetonitrile; alternate (6) standard for nonwastewaters only	75-05-8 75-05-8	5.6 NA	CMBST 38
U004 Acetophenone Acetophenone	98-86-2	0.010	9.7
U005 2-Acetylaminofluorene 2-Acetylaminofluorene	53-96-3	0.059	140
U006 Acetyl chloride Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or	CMBST

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U007 Acrylamide Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008 Acrylic acid Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U009 Acrylonitrile Acrylonitrile	107-13-1	0.24	84
U010 Mitomycin C Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011 Amitrole Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012 Aniline Aniline	62-53-3	0.81	14
U014 Auramine Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015 Azaserine Azaserine	115-02-6	(WETOX or	CMBST

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CHOXD) fb
CARBN; or
CMBST

U016

Benz(c)acridine
Benz(c)acridine

225-51-4

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U017

Benzal chloride
Benzal chloride

98-87-3

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U018

Benz(a)anthracene
Benz(a)anthracene

56-55-3

0.059

3.4

U019

Benzene
Benzene

71-43-2

0.14

10

U020

Benzenesulfonyl chloride
Benzenesulfonyl chloride

98-09-9

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U021

Benzidine
Benzidine

92-87-5

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U022

Benzo(a)pyrene
Benzo(a)pyrene

50-32-8

0.061

3.4

U023

Benzotrichloride
Benzotrichloride

98-07-7

CHOXD; CHRED;
CARBN; BIODG;

CHOXD; CHRED;
or CMBST

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or CMBST

U024

bis(2-Chloroethoxy)methane
bis(2-Chloroethoxy)-
methane

111-91-1

0.036

7.2

U025

bis(2-Chloroethyl)ether
bis(2-Chloroethyl)ether

111-44-4

0.033

6.0

U026

Chlornaphazine
Chlornaphazine

494-03-1

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U027

bis(2-Chloroisopropyl)ether
bis(2-Chloroisopropyl)
ether

39638-32-9

0.055

7.2

U028

bis(2-Ethylhexyl)phthalate
bis(2-Ethylhexyl)-
phthalate

117-81-7

0.28

28

U029

Methyl bromide (Bromomethane)
Methyl bromide (Bromo-
methane)

74-83-9

0.11

15

U030

4-Bromophenyl phenyl ether
4-Bromophenyl phenyl
ether

101-55-3

0.055

15

U031

n-Butyl alcohol
n-Butyl alcohol

71-36-3

5.6

2.6

U032

Calcium chromate
Chromium (Total)

7440-47-3

2.77

0.608±86 mg/l TCLP

U033

Carbon oxyfluoride

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Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U043 Vinyl chloride Vinyl chloride	75-01-4	0.27	6.0
U034 Trichloroacetaldehyde (Chloral) Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U044 Chloroform Chloroform	67-66-3	0.046	6.0
U035 Chlorambucil Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U045 Chloromethane (Methyl chloride) Chloromethane (Methyl chloride)	74-87-3	0.19	30
U036 Chloridane Chloridane (alpha and gamma isomers)	57-74-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U046 Chloromethyl methyl ether Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U037 Chlorobenzene Chlorobenzene	108-90-7	0.057	6.0	U047 2-Chloronaphthalene 2-Chloronaphthalene	91-58-7	0.055	5.6
U038 Chlorobenzilate Chlorobenzilate	510-15-6	0.10	CMBST	U048 2-Chlorophenol 2-Chlorophenol	95-57-8	0.044	5.7
U039 p-Chloro-m-cresol p-Chloro-m-cresol	59-50-7	0.018	14	U049 4-Chloro-o-toluidine hydrochloride 4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U041 Epichlorohydrin (1- Chloro-2,3-epoxypropane) Epichlorohydrin (1- Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U050 Chrysene Chrysene	218-01-9	0.059	3.4
U042 2-Chloroethyl vinyl ether 2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST	U051 Creosote Naphthalene Pentachlorophenol Phenanthrene Pyrene Toluene	91-20-3 87-86-5 85-01-8 129-00-0 108-88-3	0.059 0.089 0.059 0.067 0.080	5.6 7.4 5.6 8.2 10

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Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30	
Lead	7439-92-1	0.69	0.756-37 mg/l TCLP	
U052				
Cresols (Cresylic acid)				
o-Cresol	95-48-7	0.11	5.6	
m-Cresol (difficult to distinguish from p- cresol)	108-39-4	0.77	5.6	
p-Cresol (difficult to distinguish from m- cresol)	106-44-5	0.77	5.6	
Cresol-mixed isomers (Cresylic acid)	1319-77-3	0.88	11.2	
(sum of o-, m-, and p- cresol concentrations)				
U053				
Crotonaldehyde				
Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U055				
Cumene				
Cumene	98-82-8	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U056				
Cyclohexane				
Cyclohexane	110-82-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U057				
Cyclohexanone				
Cyclohexanone	108-94-1	0.36	CMBST	
Cyclohexanone; alternate(6) standard for nonwastewaters only	108-94-1	NA	0.75 mg/l TCLP	
U058				

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Cyclophosphamide				
Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST	
U059				
Daunomycin				
Daunomycin	20830-81-3	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U060				
DDD				
o,p'-DDD	53-19-0	0.023	0.087	
p,p'-DDD	72-54-8	0.023	0.087	
U061				
DDT				
o,p'-DDT	789-02-6	0.0039	0.087	
p,p'-DDT	50-29-3	0.0039	0.087	
o,p'-DDD	53-19-0	0.023	0.087	
p,p'-DDD	72-54-8	0.023	0.087	
o,p'-DDE	3424-82-6	0.031	0.087	
p,p'-DDE	72-55-9	0.031	0.087	
U062				
Diallate				
Diallate	2303-16-4	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U063				
Dibenz(a,h)anthracene				
Dibenz(a,h)anthracene	53-70-3	0.055	8.2	
U064				
Dibenz(a,i)pyrene				
Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U066				
1,2-Dibromo-3-chloro- propane				
1,2-Dibromo-3- chloropropane	96-12-8	0.11	15	

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NOTICE OF ADOPTED AMENDMENTS

N,N'-Diethylhydrazine 1615-80-1 CHOXD; CHRED; CAREN; BIODG; or CMBST

CHOXD; CHRED; or CMBST

U087
O,O-Diethyl-S-methyldithiophosphate
O,O-Diethyl-S-methyl-
dithiophosphate 3288-58-2

CMBST

CAREN; or
CMBST

U088
Diethyl phthalate
Diethyl phthalate 84-66-2

28

0.20

U089
Diethyl stilbestrol
Diethyl stilbestrol 56-53-1

CMBST

(WETOX or
CHOXD) fb
CAREN; or
CMBST

U090
Dihydrosafrole
Dihydrosafrole 94-58-6

CMBST

(WETOX or
CHOXD) fb
CAREN; or
CMBST

U091
3,3'-Dimethoxybenzidine
3,3'-Dimethoxybenzidine 119-90-4

CMBST

(WETOX or
CHOXD) fb
CAREN; or
CMBST

U092
Dimethylamine
Dimethylamine 124-40-3

CMBST

(WETOX or
CHOXD) fb
CAREN; or
CMBST

U093
p-Dimethylaminoazobenzene
p-Dimethyl-
aminoazobenzene 60-11-7

CMBST

0.13

U094
7,12-Dimethylbenz(a)
anthracene
7,12-Dimethylbenz(a)- 57-97-6

CMBST

(WETOX or

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anthracene CHOXD) fb
CAREN; or
CMBST

U095

3,3'-Dimethylbenzidine
3,3'-Dimethylbenzidine 119-93-7

CMBST

(WETOX or
CHOXD) fb
CAREN; or
CMBST

U096
alpha, alpha-Dimethyl benzyl hydroperoxide
alpha, alpha-Dimethyl
benzyl hydroperoxide 80-15-9

CHOXD; CHRED;
or CMBST

CHOXD; CHRED;
CAREN; BIODG;
or CMBST

U097
Dimethylcarbamoyl chloride
Dimethylcarbamoyl
chloride 79-44-7

CMBST

(WETOX or
CHOXD) fb
CAREN; or
CMBST

U098
1,1-Dimethylhydrazine
1,1-Dimethylhydrazine 57-14-7

CHOXD; CHRED;
or CMBST

CHOXD; CHRED;
CAREN; BIODG;
or CMBST

U099
1,2-Dimethylhydrazine
1,2-Dimethylhydrazine 540-73-8

CHOXD; CHRED;
or CMBST

CHOXD; CHRED;
CAREN; BIODG;
or CMBST

U101
2,4-Dimethylphenol
2,4-Dimethylphenol 105-67-9

14

0.036

U102
Dimethyl phthalate
Dimethyl phthalate 131-11-3

28

0.047

U103
Dimethyl sulfate
Dimethyl sulfate 77-78-1

CHOXD; CHRED;
or CMBST

CHOXD; CHRED;
CAREN; BIODG;
or CMBST

U105

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ethyl acrylate	140-88-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U114 Ethylenebisdithiocarbamic acid salts and esters Ethylenebisdithio- carbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115 Ethylene oxide Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8	CMBST 0.12	NA

U116 Ethylene thiourea Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U117 Ethyl ether Ethyl ether	60-29-7	0.12	160
U118 Ethyl methacrylate Ethyl methacrylate	97-63-2	0.14	160

U119 Ethyl methane sulfonate Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U120 Fluoranthene Fluoranthene	206-44-0	0.068	3.4
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POLLUTION CONTROL BOARD

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2,4-Dinitrotoluene 2,4-Dinitrotoluene	121-14-2	0.32	140
U106 2,6-Dinitrotoluene 2,6-Dinitrotoluene	606-20-2	0.55	28
U107 Di-n-octyl phthalate Di-n-octyl phthalate	117-84-0	0.017	28
U108 1,4-Dioxane 1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1,4-Dioxane; alternate (6) standard for nonwastewaters only	123-91-1	12.0NA	170
U109 1,2-Diphenylhydrazine 1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODC; or CMBST	CHOXD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate(6) standard for wastewaters only	122-66-7	0.087	NA
U110 Dipropylamine Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111 Di-n-propylnitrosamine Di-n-propylnitrosamine	621-64-7	0.40	14
U112 Ethyl acetate Ethyl acetate	141-78-6	0.34	33
U113 Ethyl acrylate			

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ethyl acrylate	140-88-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U114 Ethylenebisdithiocarbamic acid salts and esters Ethylenebisdithio- carbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115 Ethylene oxide Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8	CMBST 0.12	NA

U116 Ethylene thiourea Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U117 Ethyl ether Ethyl ether	60-29-7	0.12	160
U118 Ethyl methacrylate Ethyl methacrylate	97-63-2	0.14	160

U119 Ethyl methane sulfonate Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U120 Fluoranthene Fluoranthene	206-44-0	0.068	3.4
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U121 Trichloromonofluoromethane Trichloromonofluoro- methane	75-69-4	0.020	30	
U122 Formaldehyde Formaldehyde	50-00-0	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U123 Formic acid Formic acid	64-18-6	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U124 Furan Furan	110-00-9	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U125 Furfural Furfural	98-01-1	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U126 Glycidylaldehyde Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	
U127 Hexachlorobenzene Hexachlorobenzene	118-74-1	0.055	10	
U128 Hexachlorobutadiene Hexachlorobutadiene	87-68-3	0.055	5.6	

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U129 Lindane alpha-BHC beta-BHC delta-BHC gamma-BHC (Lindane)	319-84-6 319-85-7 319-86-8 58-89-9	0.00014 0.00014 0.023 0.0017		0.066 0.066 0.066 0.066
U130 Hexachlorocyclopentadiene Hexachlorocyclopenta- diene	77-47-4	0.057		2.4
U131 Hexachloroethane Hexachloroethane	67-72-1	0.055		30
U132 Hexachlorophene Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CAREN; or CMBST		CMBST
U133 Hydrazine Hydrazine	302-01-2	CHOXD; CHRED; CAREN; BIODG; or CMBST		CHOXD; CHRED; or CMBST
U134 Hydrogen fluoride Fluoride (measured in wastewaters only)	16964-48-8	35		ADGAS fb NEUTR; or NEUTR
U135 Hydrogen sulfide Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST		CHOXD; CHRED; or CMBST
U136 Cacodylic acid Arsenic	7440-38-2	1.4		5.0 mg/l TCLP
U137 Indeno(1,2,3-c,d)pyrene Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055		3.4

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U138 Iodomethane Iodomethane	74-88-4	0.19	65
U140 Isobutyl alcohol Isobutyl alcohol	78-83-1	5.6	170
U141 Isosafrole Isosafrole	120-58-1	0.081	2.6
U142 Kepone Kepone	143-50-8	0.0011	0.13
U143 Lasiocarpine Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U144 Lead acetate Lead	7439-92-1	0.69	0.750-37 mg/l TCCLP
U145 Lead phosphate Lead	7439-92-1	0.69	0.750-37 mg/l TCCLP
U146 Lead subacetate Lead	7439-92-1	0.69	0.750-37 mg/l TCCLP
U147 Maleic anhydride Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U148 Maleic hydrazide Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U149 Malononitrile Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U150 Melphalan Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U151 U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury. Mercury	7439-97-6	NA	RMERC
U151 U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only. Mercury	7439-97-6	NA	0.20 mg/l TCCLP
U151 U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only. Mercury	7439-97-6	NA	0.025 mg/l TCCLP
U151 All U151 (mercury) wastewater. Mercury	7439-97-6	0.15	NA
U151 Element Mercury Contaminated with Radioactive Materials Mercury	7439-97-6	NA	AMLGM
U152 Methacrylonitrile Methacrylonitrile	126-98-7	0.24	84
U153 Methanethiol Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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U154 Methanol Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
Methanol; alternate(6) set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/l TCLP	
U155 Methapyrilene Methapyrilene	91-80-5	0.081	1.5	
U156 Methyl chlorocarbonate Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U157 3-Methylcholanthrene 3-Methylcholanthrene	56-49-5	0.0055	15	
U158 4,4'-Methylene bis(2-chloroaniline) 4,4'-Methylene bis(2- chloroaniline)	101-14-4	0.50	30	
U159 Methyl ethyl ketone Methyl ethyl ketone	78-93-3	0.28	36	
U160 Methyl ethyl ketone peroxide Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
U161 Methyl isobutyl ketone Methyl isobutyl ketone	108-10-1	0.14	33	
U162				

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Methyl methacrylate Methyl methacrylate	80-62-6	0.14	160	
U163 N-Methyl-N'-nitro-N-nitrosoguanidine N-Methyl-N'-nitro-N- nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U164 Methylthiouracil Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U165 Naphthalene Naphthalene	91-20-3	0.059	5.6	
U166 1,4-Naphthoquinone 1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U167 1-Naphthylamine 1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U168 2-Naphthylamine 2-Naphthylamine	91-59-8	0.52	CMBST	
U169 Nitrobenzene Nitrobenzene	98-95-3	0.068	14	
U170 p-Nitrophenol p-Nitrophenol	100-02-7	0.12	29	
U171				

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2-Nitropropane 2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U172 N-Nitrosodi-n-butylamine N-Nitrosodi-n- butylamine	924-16-3	0.40	17
U173 N-Nitrosodiethanolamine N-Nitrosodiethanol- amine	1116-54-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U174 N-Nitrosodiethylamine N-Nitrosodiethylamine	55-18-5	0.40	28
U176 N-Nitroso-N-ethylurea N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U177 N-Nitroso-N-methylurea N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U178 N-Nitroso-N-methylurethane N-Nitroso-N-methyl- urethane	615-53-2	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U179 N-Nitrosopiperidine N-Nitrosopiperidine	100-75-4	0.013	35
U180			

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N-Nitrosopyrrolidine N-Nitrosopyrrolidine	930-55-2	0.013	35
U181 5-Nitro-o-toluidine 5-Nitro-o-toluidine	99-55-8	0.32	28
U182 Paraldehyde Paraldehyde	123-63-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U183 Pentachlorobenzene Pentachlorobenzene	608-93-5	0.055	10
U184 Pentachloroethane Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
Pentachloroethane; alternate(6) standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185 Pentachloronitrobenzene Pentachloronitrobenzene	82-68-8	0.055	4.8
U186 1,3-Pentadiene 1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U187 Phenacetin Phenacetin	62-44-2	0.081	16
U188 Phenol Phenol	108-95-2	0.039	6.2

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U189 Phosphorus sulfide Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U190 Phthalic anhydride Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191 2-Picoline 2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U192 Pronamide Pronamide	23950-58-5	0.093	1.5
U193 1,3-Propane sultone 1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194 n-Propylamine n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U196 Pyridine Pyridine	110-86-1	0.014	16
U197 p-Benzoquinone p-Benzoquinone	106-51-4	(WETOX or	CMBST

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U200 Reserpine Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD) fb CARBN; or CMBST
U201 Resorcinol Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U202 Saccharin and salts Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U203 Safole Safole	94-59-7	0.081	22
U204 Selenium dioxide Selenium	7782-49-2	0.82	5.70±6 mg/l TCLP
U205 Selenium sulfide Selenium	7782-49-2	0.82	5.70±6 mg/l TCLP
U206 Streptozotocin Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U207 1,2,4,5-Tetrachlorobenzene 1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14

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U234	1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
	1,3,5-Trinitrobenzene						
U235	tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.11	0.10			
	tris-(2,3-Dibromo- propyl)-phosphate						
U236	Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
	Trypan Blue						
U237	Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
	Uracil mustard						
U238	Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
	Urethane (Ethyl carbamate)						
U239	Xylenes	1330-20-7	0.32	30			
	Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)						
U240	2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10			
	2,4-D (2,4-Dichloro- phenoxyacetic acid)						
	2,4-D (2,4-Dichloro- phenoxyacetic acid) salts and esters	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U243	Hexachloropropylene	1888-71-7	0.035	30			
	Hexachloropropylene						
U244	Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
	Thiram						
U246	Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST			
	Cyanogen bromide						
U247	Methoxychlor	72-43-5	0.25	0.18			
	Methoxychlor						
U248	Warfarin, & salts, when present at concentrations of 0.3 percent or less	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
	Warfarin						
U249	Zinc phosphide, Zn[3P]2, when present at concentrations of 10 percent or less	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST			
	Zinc Phosphide						
U271	Benomyl(10)	17804-35-2	0.056	1.4			
	Benomyl						
U278	Bendiocarb(10)	22781-23-3	0.056	1.4			
	Bendiocarb						
U279	Carbaryl(10)	63-25-2	0.006	0.14			
	Carbaryl						
U280	Barban(10)	101-27-9	0.056	1.4			
	Barban						

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U328 o-Toluidine o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST	
U353 p-Toluidine p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST	
U359 2-Ethoxyethanol 2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST	
U364 Bendiocarb phenol(10) Bendiocarb phenol	22961-82-6	0.056	1.4	
U367 Carbofuran phenol(10) Carbofuran phenol	1563-38-8	0.056	1.4	
U372 Carbendazim(10) Carbendazim	10605-21-7	0.056	1.4	
U373 Propham(10) Propham	122-42-9	0.056	1.4	
U387 Prosulfocarb(10) Prosulfocarb	52888-80-9	0.042	1.4	
U389 Triallate(10) Triallate	2303-17-5	0.042	1.4	

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U394 A2213(10) A2213	30558-43-1	0.042	1.4	
U395 Diethylene glycol, dicarbamate(10) Diethylene glycol, dicarbamate	5952-26-1	0.056	1.4	
U404 Triethylamine(10) Triethylamine	101-44-8	0.081	1.5	
U409 Thiophanate-methyl(10) Thiophanate-methyl	23564-05-8	0.056	1.4	
U410 Thiodicarb(10) Thiodicarb	59669-26-0	0.019	1.4	
U411 Propoxur(10) Propoxur	114-26-1	0.056	1.4	

Notes:

- 1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 35-~~111~~-~~Adm~~-~~Code~~-~~728~~-~~Table C~~ of this Part, "Technology Codes and Description of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. "; " separates alternative treatment schemes.

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5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)

10 This footnote corresponds with note 10 to the table to 40 CFR 268.40, which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724.Subpart O, or (3) combustion units operating under 35 Ill. Adm. Code 725.Subpart O.

BOARD NOTE: Derived from table to 40 CFR 268.40 (1997), as amended at 63 Fed. Reg. 24626 (May 4, 1998), 63 Fed. Reg. 28643 (May 26, 1998), and 63 Fed. Reg. 35149 (June 29, 1998).

NA means not applicable.

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(Source: Amended at 23 Ill. Reg. 1964, effective JAN 19 1999)

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Section 728. TABLE U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard Concentration (in mg/l(2))	Nonwastewater Standard Concentration (in mg/kg(3)) unless noted as "mg/l TCLP"
A2213(6)	30558-43-1	0.042	1.4
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone(6)	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066

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Barban(6)	101-27-9	0.056	1.4
Bendiocarb(6)	22781-23-3	0.056	1.4
Bendiocarb phenol(6)	22961-82-6	0.056	1.4
Benomyl(6)	17804-35-2	0.056	1.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate(6)	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl(6)	63-25-2	0.006	0.14

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Carbenzadim(6)	10605-21-7	0.056	1.4	2-Chloronaphthalene	91-58-7	0.055	5.6
Carbofuran(6)	1563-66-2	0.006	0.14	2-Chlorophenol	95-57-8	0.044	5.7
Carbofuran phenol(6)	1563-38-8	0.056	1.4	3-Chloropropylene	107-05-1	0.036	30
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP	Chrysene	218-01-9	0.059	3.4
Carbon tetrachloride	56-23-5	0.057	6.0	o-Cresol	95-48-7	0.11	5.6
Carbosulfan(6)	55285-14-8	0.028	1.4	m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26	p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
p-Chloroaniline	106-47-8	0.46	16	m-Cumenyl methylcarbamate(6)	64-00-6	0.056	1.4
Chlorobenzene	108-90-7	0.057	6.0	Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP
Chlorobenzilate	510-15-6	0.10	NA	o,p'-DDD	53-19-0	0.023	0.087
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28	p,p'-DDD	72-54-8	0.023	0.087
p-Chloro-m-cresol	59-50-7	0.018	14	o,p'-DDE	3424-82-6	0.031	0.087
Chlorodibromomethane	124-48-1	0.057	15	p,p'-DDE	72-55-9	0.031	0.087
Chloroethane	75-00-3	0.27	6.0	o,p'-DDT	789-02-6	0.0039	0.087
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2	p,p'-DDT	50-29-3	0.0039	0.087
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
2-Chloroethyl vinyl ether	110-75-8	0.062	NA	Dibenz(a,e)pyrene	192-65-4	0.061	NA
Chloroform	67-66-3	0.046	6.0	1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2	1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
p-Chloro-m-cresol	59-50-7	0.018	14	Dibromomethane	74-95-3	0.11	15
Chloromethane (Methyl chloride)	74-87-3	0.19	30	m-Dichlorobenzene	541-73-1	0.036	6.0

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o-Dichlorobenzene	95-50-91	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloro-ethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichloro-phenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloro-propylene	10061-01-5	0.036	18
trans-1,3-Dichloro-propylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethylene glycol, dicarbamate(6)	5952-26-1	0.056	1.4
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazo-benzene	60-11-7	0.13	NA
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Dimetilan(6)	644-64-4	0.056	1.4
Di-n-butyl phthalate	84-74-2	0.057	28

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1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total)(6)	137-30-4	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPTC(6)	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10

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Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethylene oxide	75-21-8	0.12	NA
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene-oxide	75-21-8	0.12	NA
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Formetanate hydro- chloride(6)	23422-53-9	0.056	1.4
Formparanate(6)	17702-57-7	0.056	1.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloro- cyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30

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Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isolan(6)	119-38-0	0.056	1.4
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrilene	91-80-5	0.081	1.5
Methiocarb(6)	2032-65-7	0.056	1.4
Methomyl(6)	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2- chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb(6)	1129-41-5	0.056	1.4
Mexacarbate(6)	315-18-4	0.056	1.4

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Mollinate(6)	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butyl-amine	924-16-3	0.40	14
N-Nitrosomethylethyl-amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Oxamyl(6)	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pebulate(6)	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001

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PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
o-Phenylenediamine(6)	95-54-5	0.056	5.6
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine(6)	57-47-6	0.056	1.4
Physostigmine salicylate(6)	57-64-7	0.056	1.4
Promecarb(6)	2631-37-0	0.056	1.4
Pronamide	23950-58-5	0.093	1.5
Propham(6)	122-42-9	0.056	1.4
Propoxur(6)	114-26-1	0.056	1.4
Prosulfocarb(6)	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14

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TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001	acetic acid/2,4,5-T			
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001	1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,1,2-Tetrachloro-ethane	630-20-6	0.057	6.0	1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
1,1,2,2-Tetrachloro-ethane	79-34-5	0.057	6.0	Triethylamine(6)	101-44-8	0.081	1.5
Tetrachloroethylene	127-18-4	0.056	6.0	tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
2,3,4,6-Tetrachloro-phenol	58-90-2	0.030	7.4	Vernolate(6)	1929-77-7	0.042	1.4
Thiodicarb(6)	59669-26-0	0.019	1.4	Vinyl chloride	75-01-4	0.27	6.0
Thiophanate-methyl(6)	23564-05-8	0.056	1.4	Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Tirpate(6)	26419-73-8	0.056	0.28	Antimony	7440-36-0	1.9	<u>1.152±1</u> mg/1 TCLP
Toluene	108-88-3	0.080	10	Arsenic	7440-38-2	1.4	5.0 mg/1 TCLP
Toxaphene	8001-35-2	0.0095	2.6	Barium	7440-39-3	1.2	<u>217±6</u> mg/1 TCLP
Triallate(6)	2303-17-5	0.042	1.4	Beryllium	7440-41-7	0.82	<u>1.220±0±4</u> mg/1 TCLP
Tribromo-methane (Bromoform)	75-25-2	0.63	15	Cadmium	7440-43-9	0.69	<u>0.110±19</u> mg/1 TCLP
1,2,4-Trichlorobenzene	120-82-1	0.055	19	Chromium (Total)	7440-47-3	2.77	<u>0.600±06</u> mg/1 TCLP
1,1,1-Trichloroethane	71-55-6	0.054	6.0	Cyanides (Total)(4)	57-12-5	1.2	590
1,1,2-Trichloroethane	79-00-5	0.054	6.0	Cyanides (Amenable)(4)	57-12-5	0.86	30
Trichloroethylene	79-01-6	0.054	6.0	Fluoride (5)	16984-48-8	35	NA
Trichloromonofluoro-methane	75-69-4	0.020	30	Lead	7439-92-1	0.69	<u>0.750±37</u> mg/1 TCLP
2,4,5-Trichlorophenol	95-95-4	0.18	7.4	Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/1 TCLP
2,4,6-Trichlorophenol	88-06-2	0.035	7.4	Mercury-All Others	7439-97-6	0.15	0.025 mg/1 TCLP
2,4,5-Trichlorophenoxy-	93-76-5	0.72	7.9	Nickel	7440-02-0	3.98	<u>115±0</u> mg/1 TCLP
				Selenium (7)	7782-49-2	0.82	<u>5.70±16</u> mg/1 TCLP

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Silver	7440-22-4	0.43	0.140-30 mg/l TCLP
Sulfide	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.200-070 mg/l TCLP
Vanadium(5)	7440-62-2	4.3	1.60-23 mg/l TCLP
Zinc(5)	7440-66-6	2.61	4.35-73 mg/l TCLP

1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.

3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d) 40--CFR--268-40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

6 This footnote corresponds with note 6 to the table to 40 CFR 268.48(a), which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

7 This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UTS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.

Note: NA means not applicable.

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BOARD NOTE: Derived from table to 40 CFR 268.48(a) (1997), as amended at 63 Fed. Reg. 24626 (May 4, 1998) and 63 Fed. Reg. 28739 (May 26, 1998).

(Source: Amended at 23 Ill. Reg. 1904-3, effective JAN 19 1999)

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: RCRA Permit Program
- 2) Code citation: 35 Ill. Adm. Code 703
- 3) Section Numbers:
703.155 Amended
703.280 Amended
703.App. A Amended
- 4) Statutory authority: 415 ILCS 5/22.4 and 27.
- 5) Effective date of amendments: January 19, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference?
No. Although the existing text of Part 703 includes a number of documents incorporated by reference, none of those incorporations are amended by the present amendments.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register:
October 16, 1998, 22 Ill. Reg. 18661
- 10) Has JCAR issued a Statement of Objections to these rules? No

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version:

The following table indicates the revisions made to the text of the amendments since the Board's September 17, 1998 proposal for public comment:

703. Source Note	Corrected Illinois Register citation for R96-10/R97-3/R97-5; added completed citation information for R97-21/R98-3/R98-5
703.155(a)(2)(B)	Changed ending period to a semicolon

POLLUTION CONTROL BOARD

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- | | |
|--|---|
| 703.155(a)(5)
703.155 Board Note | Changed ending period to a semicolon
Added "at" to and removed comma from Federal Register citation; changed indent level of Board Note to entire Section |
| 703.280(d)(2)(B) | Underlined added language "any of the following:" |
| 703.280(d)(2)(B)(i)
703.280(d)(2)(B)(ii)
703.280(e)(2)(a)(ii) | Changed ending punctuation to a semicolon
Changed ending punctuation to a semicolon
Deleted "below" and offsetting punctuation (twice); changed to plural "subsections" |
| 703.280(e)(4)(A)
703.280(f)(1)
703.280(h)(3) | Changed ending punctuation to a semicolon
Changed "of" to "after"
Changed "of" to "after" |
| 703.280 Board Note | Changed indent level of Board Note to entire Section |
| 703.Appendix A at entry B.6.
703.Appendix A at entry F.1.a.
703.Appendix A at F.1.b. | Changed indent level of Board Note to entire subsection B.6.
Changed "g" to "percent"
Changed "g" to "percent" |
| 703.Appendix A at entry G.1.b.
703.Appendix A at entry G.3.
703.Appendix A at entry I.1.a.
703.Appendix A at entry I.1.b. | Changed "g" to "percent"
Changed "g" to "percent"
Changed "g" to "percent"
Changed "g" to "percent" |
| 703.Appendix A at entry L.1.
703.Appendix A at entry L.2.
703.Appendix A at entry M.1.a.
703.Appendix A at entry M.1.b. | Changed "g" to "percent"
Changed "g" to "percent"
Changed "g" to "percent"
Changed "g" to "percent" |
| 703.Appendix A end note and Board Note
703.Appendix A at entry G.3.B.
703.Appendix A Note following entry L.6.B. | Changed indent level to entire Section
Added ending comma
Underlined added language "Note" |
| 703.Appendix A end Board Note | Removed comma from Federal Register citation |

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12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Sections 13(c) and 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR staff suggested revisions to the text of the rules that the Board has incorporated into the text.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of December 17, 1998, in Board docket number R98-21/R99-2/R99-7, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

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62 Fed. Reg. 37699 (July 14, 1997) USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568 (August 28, 1997) USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503 (December 5, 1997) USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656 (December 8, 1997) USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503 (April 15, 1998) USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595 (May 4, 1998) USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963 (May 6, 1998) USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555 (May 26, 1998) USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781 (June 19, 1998) USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147 (June 29, 1998) USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has previously taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the time frames of this consolidated docket, the Board is including additional federal

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actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the time frames that are involved.

63 Fed. Reg. 37782
(July 14, 1998)

USEPA removed three amendments from its May 6, 1998 direct final rule relating to used oil contaminated with PCBs.

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new listings for five additional hazardous wastes from the petroleum refining industry, along with land disposal restrictions (LDRs) for these wastes.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

63 Fed. Reg. 54356
(October 9, 1998)

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)

USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997. Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394
(September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503
(December 5, 1997)

Clarification of when a treatment variance is available.

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62 Fed. Reg. 64656
(December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.
Pulp and paper industry sector standards.

63 Fed. Reg. 18503
(April 15, 1998)

Organobromine chemicals waste rules.

63 Fed. Reg. 24595
(May 4, 1998)

Used oil mixtures rules for PCB-contaminated oils.

63 Fed. Reg. 24963
(May 6, 1998)

"Phase IV" land disposal restrictions.

63 Fed. Reg. 28555
(May 26, 1998)

Hazardous waste combustion rules.

63 Fed. Reg. 33781
(June 19, 1998)

Technical amendments to the organobromine waste rules.

63 Fed. Reg. 35147
(June 29, 1998)

Removal of three amendments from the May 6, 1998 direct final rule.

63 Fed. Reg. 37782
(July 14, 1998)

Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 38756
(July 20, 1998)

New hazardous waste listings and land disposal restrictions for wastes from the petroleum refining industry.

63 Fed. Reg. 42109
(August 6, 1998)

Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.

63 Fed. Reg. 44146
(August 18, 1998)

Correction to 40 C.F.R. 136.3(e), table. 63 Fed. Reg. 46331 (August 31, 1998)

63 Fed. Reg. 48124
(September 9, 1998)

Technical amendments to the organobromine waste rules.
Extension of the Phase IV LDR compliance deadline.

63 Fed. Reg. 54356
(October 9, 1998)

Changed the compliance deadline for the August 6, 1998 rules.

Specifically, the amendments to Part 703 implement segments of the federal December 8, 1997, Subpart CC amendments and the June 19, 1998, hazardous waste combustion rules.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

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Request copies of the Board's opinion and order of December 17, 1998, from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Scope and Relation to Other Parts
703.100	Purpose
703.101	References
703.110	

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APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended at R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended

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in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective

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SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.155 Changes During Interim Status

a) Except as provided in subsection (b), below, the owner or operator of an interim status facility may make the following changes at the facility:

- 1) Treatment, storage or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage or disposal;
- 2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because:
 - A) There is a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities; or
 - B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729;

- 3) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or addition of processes if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:
 - A) The change is necessary to prevent a threat to human health or the environment because of an emergency situation; or
 - B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729;

- 4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725. Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after

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the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 725. Subpart H as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;

- 5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility;
 - 6) Addition of newly regulated units for the treatment, storage or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.
- b) Except as specifically allowed under this subsection, changes listed under subsection (a), above, must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

- 1) Changes made solely for the purpose of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.
- 2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728 or 729, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.
- 3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.
- 4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.
- 5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or,

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the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.

- 6) Changes to treat or store, in tanks, containers or containment buildings, hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.

- 7) Addition of newly regulated units under subsection (a)(6), above.
- 8) Changes necessary to comply with the federal Clean Air Act (CAA) Maximum Achievable Control Technology (MACT) emissions standards of 40 CFR 63, Subpart EEE--National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

BOARD NOTE ~~Board--Note~~: Derived from 40 CFR 270.72 (1997) ~~1990~~, as amended at 63 57 Fed. Reg. 33829 (June 19, 1998). ~~37201;--August--197~~ ~~1992--7~~ The federal CAA MACT standards are directly implemented in Illinois pursuant to Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

(Source: Amended ~~9/1993~~ 23 Ill. Reg. 2153 ~~2153~~, effective

SUBPART G: CHANGES TO PERMITS

Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications.
- 1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Agency with the necessary information to support the requested classification.
- 2) The Agency shall make the determination described in subsection (d)(1), above, as promptly as practicable. In determining the appropriate class for a specific modification, the Agency shall consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:
- A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of

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Class 1 modifications, the Agency may require prior approval.

- B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:

- i) Common variations in the types and quantities of the wastes managed under the facility permit;
- ii) Technological advances; and
- iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

- C) Class 3 modifications substantially alter the facility or its operation.

- e) Temporary authorizations.

- 1) Upon request of the permittee, the Agency shall, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations have a term of not more than 180 days.
- 2) Procedures.

- A) The permittee may request a temporary authorization for:

- i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) of this Section; and
- ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i)--below, or that meets the criteria in subsections ~~subsection~~ (e)(3)(B)(iii) through (v)--below and provides improved management or treatment of a hazardous waste already listed in the facility permit.

- B) The temporary authorization request must include:

- i) A description of the activities to be conducted under the temporary authorization;

- ii) An explanation of why the temporary authorization is necessary; and

- iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.

- C) The permittee shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

- 3) The Agency shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency shall find:

- A) The authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.

- B) The temporary authorization is necessary to achieve one of

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the following objectives before action is likely to be taken on a modification request:

- i) To facilitate timely implementation of closure or corrective action activities;
- ii) To allow treatment or storage in tanks, containers or in containment buildings in accordance with 35 Ill. Adm. Code 728;
- iii) To prevent disruption of ongoing waste management activities;
- iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
- v) To facilitate other changes to protect human health and the environment.

- 4) A temporary authorization shall be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

- A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or
- B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

- f) Public notice and appeals of permit modification decisions.

- 1) The Agency shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days after of any decision to grant or deny a Class 2 or 3 permit modification request. The Agency shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).

- 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.

- 3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal, notwithstanding the provisions of 35 Ill. Adm. Code 705.204.

- g) Newly regulated wastes and units.

- 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:

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- A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
 - B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
 - C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
 - D) The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill. Adm. Code 724, 725 or 726; and
 - E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate under this Section.
- 2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.
 - h) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if:
 - 1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;
 - 2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and
 - 3) The permittee submits a complete Class 2 modification request within 180 days after of the date when the waste military munitions became subject to hazardous waste regulatory requirements.
 - i) Permit modification list. The Agency shall maintain a list of all approved permit modifications and shall publish a notice once a year in a State-wide newspaper that an updated list is available for

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review.

1) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested under Section 703.260(b), paragraph L(9).

1) Facility owners or operators must comply with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1211 before a permit modification can be requested under this Section.

2) If the Agency does not act to either approve or deny the request within 90 days after receiving it, the request shall be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired.

BOARD NOTE: Derived from 40 CFR 270.42(d) through (j) (1997), as amended at 63 Fed. Reg. 33829 (June 19, 1998) (44 FR 19987) as amended at 56 Fed. Reg. 72867, February 21, 1991, and at 56 Fed. Reg. 32608, July 17, 1991.

(Source: Amended 40 CFR 270.42(d) through (j), effective

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Section 703.260(b) Classification of Permit Modifications

Classifications

A. General Permit Provisions

1. Administrative and informational changes.

2. Correction of typographical errors.

3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).

4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:

1. a. To provide for more frequent monitoring, reporting or maintenance.

2. b. Other changes.

5. Schedule of compliance:

1. a. Changes in interim compliance dates, with prior approval of the Agency.

3. b. Extension of final compliance date.

1. 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

1. 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

1. a. To conform with Agency guidance or Board regulations.

1. b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.

1. c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.

2. d. Other changes.

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2. Changes to analytical quality assurance/control plan:

1 a. To conform with agency guidance or regulations.

2 b. Other changes.

1 3. Changes in procedures for maintaining the operating record.

2 4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:

2 a. That affect the type or decrease the amount of training given to employees.

1 b. Other changes.

6. Contingency plan:

2 a. Changes in emergency procedures (i.e., spill or release response procedures).

1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.

2 c. Removal of equipment from emergency equipment list.

1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

7. CQA plan:

a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.

2 b. Other changes.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as a permit modification.

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C. Groundwater Protection

1. Changes to wells:

2 a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.

1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.

1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.

1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.

2* 4. Changes in point of compliance.

5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):

3 a. As specified in the groundwater protection standard.

2 b. As specified in the detection monitoring program.

2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.

7. Compliance monitoring program:

3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.

2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.

8. Corrective action program:

3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.

2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

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1. Changes to the closure plan:

- 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).

3. 2. Creation of a new landfill unit as part of closure.

3. Addition of the following new units to be used temporarily for closure activities:

- 3 a. Surface impoundments.
- 3 b. Incinerators.
- 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
- 2 d. Waste piles that comply with 35 Ill. Adm. code 724.350(c).
- 2 e. Tanks or containers (other than specified below).
- 1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.

E. Post-Closure

- 1 1. Changes in name, address or phone number of contact in post-closure plan.

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2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:

- 3 a. Resulting in greater than 25 percent % increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 2 b. Resulting in up to 25 percent % increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

2. Modification of container units without an increased capacity or alteration of the system:

- 2 a. Modification of a container unit without increasing the capacity of the unit.
- 1 b. Addition of a roof to a container unit without alteration of the containment system.
3. Storage of different wastes in containers, except as provided in F(4):
 - 3 a. That require additional or different management practices from those authorized in the permit.

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- 2 b. That do not require additional or different management practices from those authorized in the permit.

NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:

- 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

G. Tanks

1.

- 3 a. Modification or addition of tank units resulting in greater than 25 percent Φ increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).

- 2 b. Modification or addition of tank units resulting in up to 25 percent Φ increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.

- 1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.

- 1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within ± 10 percent Φ of the replaced tank provided:

a. The capacity difference is no more than 1500 gallons,

b. The facility's permitted tank capacity is not increased, and

c. The replacement tank meets the same conditions in the permit.

- 2 4. Modification of a tank management practice.

5. Management of different wastes in tanks:

- 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).

- 2 b. That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not

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applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.

- 3 2. Replacement of a surface impoundment unit.

- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.

- 2 4. Modification of a surface impoundment management practice.

5. Treatment, storage or disposal of different wastes in surface impoundments:

- 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

- 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological

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requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323 and 724.326(d).

7. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:

- 3 a. Resulting in greater than 25 percent \pm increase in the facility's waste pile storage or treatment capacity.

- 2 b. Resulting in up to 25 percent \pm increase in the facility's waste pile storage or treatment capacity.

- 2 2. Modification of waste pile unit without increasing the capacity of the unit.

- 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

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- 2 4. Modification of a waste pile management practice.
5. Storage or treatment of different wastes in waste piles:
- 3 a. That require additional or different management practices or different design of the unit.
- 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 2 6. Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.

- 3 2. Replacement of a landfill.

- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.

- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.

- 2 5. Modification of a landfill management practice.

6. Landfill different wastes:

- 3 a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

- 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

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- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c) and 724.404.

8. Changes in response action plan:

- 3 a. Increase in action leakage rate.

- 3 b. Change in a specific response reducing its frequency or effectiveness.

- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.

- 2 2. Modification of run-on control system.

- 3 3. Modify run-off control system.

- 2 4. Other modification of land treatment unit component specifications or standards required in permit.

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5. Management of different wastes in land treatment units:
 - a. That require a change in permit operating conditions or unit design specifications.
 - b. That do not require a change in permit operating conditions or unit design specifications.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
6. Modification of a land treatment unit management practice to:
 - a. Increase rate or change method of waste application.
 - b. Decrease rate of waste application.
7. Modification of a land treatment unit management practice to change measure of pH or moisture content or to enhance microbial or chemical reactions.
8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, to that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
13. Changes in sampling, analysis or statistical procedure.
14. Changes in land treatment demonstration program prior to or during the demonstration.

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- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2 18. Changes in vegetative cover requirements for closure.
 - L. Incinerators, Boilers and Industrial Furnaces
- 3 1. Changes to increase by more than 25 percent * any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25 percent * any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 3. Modification of an incinerator, boiler or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂, metals or particulates from the combustion gases or by changing other features of the incinerator, boiler or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

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- 2 4. Modification of an incinerator, boiler or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
5. Operating requirements:
 - 3 a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum or maximum combustion gas residence time or oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
 - 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
 - 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Burning different wastes:

- 3 a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

BOARD-NOTE Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

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- 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
- 1* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
- 1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.
- 1 8. Substitution of an alternate type of nonhazardous waste fuel that is not specified in the permit.
- 1* 9. Technology changes needed to meet standards under federal 40 CFR 63 (Subpart EEE--National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of 35 Ill. Adm. Code 703.280(j) are followed.
- M. Containment Buildings.
 1. Modification or addition of containment building units:
 - 3 a. Resulting in greater than 25 percent ~~%~~ increase in the facility's containment building storage or treatment capacity.
 - 2 b. Resulting in up to 25 percent ~~%~~ increase in the facility's containment building storage or treatment capacity.
 - 2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
 3. Replacement of a containment building with a containment building that meets the same design standards provided:
 - 1 a. The unit capacity is not increased.
 - 1 b. The replacement containment building meets the same conditions in the permit.
 - 2 4. Modification of a containment building management practice.

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5. Storage or treatment of different wastes in containment buildings:
- 3 a. That require additional or different management practices.
 - 2 b. That do not require additional or different management practices
- N. Corrective Action.
- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
 - 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.

Note: * indicates modification requiring prior Agency approval.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1997~~1992~~), as amended at 63 50 Fed. Reg. 33829 (June 19, 1998) 06857-February-167-1993.

(Source: Amended at 23 Ill. Reg. 2153 ~~2153~~, effective 1992)

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- 1) Heading of the Part: Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 724
- 3) Section Numbers:

724.115	<u>Adopted Action:</u>
724.173	Amended
724.930	Amended
724.931	Amended
724.933	Amended
724.950	Amended
724.960	Amended
724.962	Amended
724.964	Amended
724.980	Amended
724.982	Amended
724.983	Amended
724.984	Amended
724.985	Amended
724.986	Amended
724.987	Amended
724.989	Amended

4) Statutory authority: 415 ILCS 5/22.4, and 27

5) Effective date of amendments: January 19, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 724 includes a number of documents incorporated by reference, none of those incorporations are amended by the present amendments.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register: October 16, 1998, 22 Ill. Reg. 18693

10) Has JCAR issued a Statement of Objections to these rules? No. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

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- 11) Differences between proposal and final version: The following table indicates the revisions made to the text of the amendments since the Board's September 17, 1998 proposal for public comment:

724. Source Note	Added completed citation information for R97-21/R98- 3/R98-5
724.173(b)(1)	Changed "Section 724.Appendix A" to "Appendix A of this Part"
724.173(b)(13)	Deleted ending conjunction "and"
724.173(b)(14)	Changed ending punctuation to a semicolon
724.930(c)	Corrected cross-reference to "35 Ill. Adm. Code 725.Subpart AA"
724.930(e)	Removed "part" from CFR citations (six times)
724.931 "Btu"	Changed "BTU" to "Btu"
724.931 "in light liquid service"	Corrected "20 C" to "20B0 C"
	Corrected "20 C" to "20° C"
724.933(a)(2)(D)	Removed comma after date "1997"
724.950(c)	Corrected cross-reference to "35 Ill. Adm. Code 725.Subpart BB"
724.962(b)(1)	Changed to plural "subsections"
724.964(d)	Changed to singular "Section"
724.980(b)(6)	Changed "U.S.C." to "USC"
724.982(b)	Changed to plural "Sections"
724.982(c)(2)(B)	Changed "§" to "percent"
724.982(c)(2)(D)(i)	Changed "§" to "percent" (twice)
724.982(c)(2)(I)(i)	Removed unnecessary added article "the"
724.982(c)(2)(F)	Changed "§" to "percent"
724.984(c)(2)(C)(ii)	Corrected cross-reference to "subsection (c)(2)(E) of this Section"
724.984(c)(2)(E)(i)	Corrected "paragraph" to "subsection"
724.980(c)	Corrected cross-reference to "35 Ill. Adm. Code 725.984(d)"
724.984(c)(2)(C)(ii)	Corrected cross-reference to "(c)(2)(E)"
724.984(c)(2)(E)	Changed indent level of note to subsection (c)(2)(E)
724.984(f)(3)(D)	Changed indent level of note to subsection (f)(3)(D)
724.985(c)(1)(E)	Changed "§" to "percent"
724.986(c)(4)(A)	Corrected cross-reference to "35 Ill. Adm. Code 722.Appendix A"
724.986(d)(4)(A)	Removed "part" from CFR citation
724.987(c)(1)(A)	Changed "§" to "percent"
724.989(j)(1)	Removed "part" from CFR citations (three times)
724.989(j)(2)	Removed "part" from CFR citations (three times)

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- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR staff suggested revisions to the text of the rules that the Board has incorporated into the text.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of December 17, 1998, in Board docket number R98-21/R99-2/R99-7, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by US EPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21	Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.
R99-2	Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.
R99-7	Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699 (July 14, 1997)	USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.
62 Fed. Reg. 45568 (August 28, 1997)	USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August

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26, 1998.

USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

USEPA adopted "Phase IV" land disposal restrictions.

USEPA partially adopted the hazardous waste combustion rules.

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has previously taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the time frames of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the time frames that are involved.

62 Fed. Reg. 64503
(December 5, 1997)

62 Fed. Reg. 64656
(December 8, 1997)

63 Fed. Reg. 18503
(April 15, 1998)

63 Fed. Reg. 24595
(May 4, 1998)

63 Fed. Reg. 24963
(May 6, 1998)

63 Fed. Reg. 28555
(May 26, 1998)

63 Fed. Reg. 33781
(June 19, 1998)

63 Fed. Reg. 35147
(June 29, 1998)

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63 Fed. Reg. 37782
(July 14, 1998)

USEPA removed three amendments from its May 6, 1998 direct final rule relating to used oil contaminated with PCBs.

USEPA adopted new listings for five additional hazardous wastes from the petroleum refining industry, along with land disposal restrictions (LDRs) for these wastes.

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

Technical amendments to the May 4, 1998, organobromine waste rules.

USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)

USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394
(September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503
(December 5, 1997)

Clarification of when a treatment variance is available.

62 Fed. Reg. 64656
(December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.

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63 Fed. Reg. 18503
(April 15, 1998)
63 Fed. Reg. 24595
(May 4, 1998)
63 Fed. Reg. 24963
(May 6, 1998)
63 Fed. Reg. 28555
(May 26, 1998)
63 Fed. Reg. 33781
(June 19, 1998)
63 Fed. Reg. 35147
(June 29, 1998)
63 Fed. Reg. 37782
(July 14, 1998)
63 Fed. Reg. 38756
(July 20, 1998)
63 Fed. Reg. 42109
(August 6, 1998)
63 Fed. Reg. 42580
(August 10, 1998)
63 Fed. Reg. 44146
(August 18, 1998)
63 Fed. Reg. 46331
(August 31, 1998)
63 Fed. Reg. 48124
(September 9, 1998)
63 Fed. Reg. 54356
(October 9, 1998)

Pulp and paper industry sector standards.
Organobromine chemicals waste rules.
Used oil mixtures rules for PCB-contaminated oils.
"Phase IV" land disposal restrictions.
Hazardous waste combustion rules.
Technical amendments to the organobromine waste rules.
Removal of three amendments from the May 6, 1998 direct final rule.
Correction to 40 C.F.R. 136.3(e), table.
New hazardous waste listings and land disposal restrictions for wastes from the petroleum refining industry.
Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.
Correction to 40 C.F.R. 136.3(e), table.
Technical amendments to the organobromine waste rules.
Extension of the Phase IV LDR compliance deadline.
Changed the compliance deadline for the August 6, 1998 rules.

Specifically, the amendments to Part 724 include major segments of the federal December 8, 1997, Subpart CC amendments.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 17, 1998, from Victoria Agyeman at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section

724.101 Purpose, Scope and Applicability

724.103 Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section

724.110 Applicability

724.111 Identification Number

724.112 Required Notices

724.113 General Waste Analysis

724.114 Security

724.115 General Inspection Requirements

724.116 Personnel Training

724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes

724.118 Location Standards

724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section

724.130 Applicability

724.131 Design and Operation of Facility

724.132 Required Equipment

724.133 Testing and Maintenance of Equipment

724.134 Access to Communications or Alarm System

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8884, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective JAN 19 1999.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

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SUBPART B: GENERAL FACILITY STANDARDS

Section 724.115 General Inspection Requirements

- a) The owner or operator shall conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges that may be causing or may lead to:
 - 1) Release of hazardous waste constituents to the environment; or
 - 2) A threat to human health.
 - b) Inspection schedule.
 - 1) The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.
 - 2) The owner or operator shall keep this schedule at the facility.
 - 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
 - 4) The frequency of inspection may vary for the items on the schedule. However, the frequency it should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 724.274, 724.293, 724.295, 724.326, 724.354, 724.378, 724.403, 724.447, 724.702, 724.933, 724.952, 724.953, 724.958, 724-9887 and 724.983 through 724.990 724-991, where applicable.
- BOARD NOTE: 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency must evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.
- c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.
 - d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least

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three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 23 Ill. Reg. 2186, effective JAN 19 1990)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility:
 - 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage, or disposal at the facility, as required by Section 724-Appendix A of this Part;
 - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

BOARD NOTE: See Section 724.219 for related requirements.

- 3) Records and results of waste analyses and waste determinations performed as specified in Sections 724.113, 724.117, 724.414, 724.441, 724.934, 724.963, and 724.983 and in 35 Ill. Adm. Code 728.104(a) and 728.107;
- 4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 724.156(j);
- 5) Records and results of inspections, as required by Section 724.115(d) (except these data need to be kept only three years);
- 6) Monitoring, testing, or analytical data and corrective action data where required by 724-Subpart F of this Part or Sections 724.119, 724.291, 724.293, 724.295, 724.322, 724.323, 724.326, 724.352 through 724.354, 724.376, 724.378, 724.380, 724.402 through 724.404, 724.409, 724.447, 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, 724-988, 724-989, and 724.982 through 724.990 724-991;
- 7) For off-site facilities, notices to generators as specified in Section 724.112(b);
- 8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure cost estimates under Section 724.244;

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- 9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment;
- 10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);
- 11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable; and
- 14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, required under 35 Ill. Adm. Code 728.108, whichever is applicable;
- 15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and
- 16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: Amended at 23 Ill. Reg. 2186, effective JAN 19 1990)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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Section 724.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except for Sections 724.934(d) and (e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in:
- 1) Units that are subject to the permitting requirements of 35 Ill. Adm. Code 703;
 - 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703; or
 - 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a 90-day tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.
- c) For the owner and operator of a facility subject to this Subpart that received a final permit under 35 Ill. Adm. Code 702, 703, and 705 prior to December 6, 1996, the requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner and operator receives a final permit incorporating the requirements of this Subpart, the owner and operator is subject to the requirements of 35 Ill. Adm. Code 725.Subpart AA. ~~If the owner or operator of process vents subject to the requirements of Sections 724.932 through 724.936 has received a RCRA permit prior to December 21, 1990, the requirements of Sections 724.932 through 724.936 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705-201 or reviewed under 35 Ill. Adm. Code 702-161.~~
- BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(g) are not affected by these requirements.
- d) This subsection (d) corresponds with 40 CFR 264.1030(d), which is marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.
- e) The requirements of this Subpart do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents which would otherwise be subject to this Subpart are

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equipped with and operating air emission controls in accordance with the process vent requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. The documentation of compliance under regulations at 40 CFR 60, 61, or 63 must be kept with, or made readily available with, the facility operating record.

(Source: Amended at 23 Ill. Reg. 2188, effective JAN 14 1996)

Section 724.931 Definitions

As used in this Subpart, all terms not defined in the Subpart have the meaning given them in the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

"Air stripping operation" is a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

"Bottoms receiver" means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

"Btu Btu" means British thermal unit.

"Closed-vent system" means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

"Condenser" means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

"Connector" means flanged, screwed, welded or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, "connector" means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

"Continuous recorder" means a data-recording device recording an instantaneous data value at least once every 15 minutes.

"Control device" means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or

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sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

"Control device shutdown" means the cessation of operation of a control device for any purpose.

"Distillate receiver" means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

"Distillation operation" means an operation, either batch or continuous, separating one or more feed stream(s) into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

"Double block and bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

"Equipment" means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange, and any control devices or systems required by this Subpart.

"First attempt at repair" means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

"Flame zone" means the portion of the combustion chamber in a boiler occupied by the flame envelope.

"Flow indicator" means a device that indicates whether gas flow is present in a vent stream.

~~First attempt at repair means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.~~

"Fractionation operation" means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

"ft" means foot.

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"h" means hour.

"Hazardous waste management unit shutdown" means a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit for less than 24 hours is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

"Hot well" means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

"In gas-vapor service" means that the piece of equipment contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

"In heavy liquid service" means that the piece of equipment is not in gas/vapor service or in light liquid service.

"In light liquid service" means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20°C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

"In situ sampling systems" means nonextractive samplers on in-line samplers.

"In vacuum service" means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

"Kg" means kilogram.

"kPa" means kilopascals.

"lb" means pound.

"m" means meter.

"Mg" means Megagrams, or metric tonnes.

"MJ" means Megajoules, or ten to the sixth Joules.

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"MW" means Megawatts.

"Malfunction" means any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste management unit to operate in a normal or usual manner, so that organic emissions are increased.

"Open-ended valve or line" means any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

"ppmv" means parts per million by volume.

"ppmw" means meant parts per million by weight.

"Pressure release" means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

"Process heater" means a device that transfer heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

"Process vent" means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

"Repaired" means that equipment is adjusted, or otherwise altered, to eliminate a leak.

"s" means second.

"scm" means standard cubic meter.

"scft" means meant standard cubic foot.

"Sensor" means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

"Separator tank" means a device used for separation of two immiscible liquids.

"Solvent extraction operation" means an operation or method of

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separation in which a solid or solution is contracted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

"Startup" means the setting in operation of a hazardous waste management unit or control device for any purpose.

"Steam stripping operation" means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly in to the charge.

"Surge control tank" means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

"Thin-film evaporation operation" means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

"Vapor incinerator" means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

"Vented" means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and unloading (working losses) or by natural means such as diurnal temperature changes.

"yr" means year.

(Source: Amended at 23 Ill. Reg. 2135, effective JAN 28 1992)

Section 724.933 Standards: Closed-vent Systems and Control Devices

a) Compliance Required.

1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.

2) Implementation Schedule.

A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply

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with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup.

- B) Any unit ~~that begins~~ that begins ~~begin~~ operation after December 21, 1990, and which is subject to the provisions of this Subpart when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month ~~2-year~~ implementation schedule does not apply ~~to these~~ units.

- C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart shall comply with all requirements of this Subpart as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

- D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart after December 8, 1997, due to an action other than those described in subsection (a)(2)(C) of this Section, must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart; the 30-month implementation schedule does not apply).

- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95

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weight percent.

- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds and not in carbon equivalents, on a dry basis, corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 degrees Celsius (°C). If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.

d) Flares:

- 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C) of this Section.
- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater and the flare is steam-assisted or air-assisted or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.
- 4) Exit Velocity.
 - A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section.
 - B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
 - C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than the velocity, V, as determined by the method specified in subsection (e)(4) of this Section and less than 122 m/s (400 ft/s) is allowed.

- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V, as determined by the method specified in subsection (e)(5) of this Section.
- 6) A flare used to comply with this Section must be steam-assisted,

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air-assisted, or nonassisted.

e) Compliance determination and equations.

- 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.

- 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \times \sum_{i=1}^n C[i] \times H[i]$$

Where:

H[T] is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20°C.

$K = 1.74 \times 10(7)$ (1/ppm)(g mol/scm)(MJ/kcal) where standard temperature for (g mol/scm) 20°C.

S[Xi] means the sum of the values of X for each component i, from i=1 to n.

C[i] is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

H[i] is the net heat of combustion of sample component i, kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D2382, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V[max], for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

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$$\log[10] V[\max] = \frac{H[T] + 28.8}{31.7}$$

Where:

log[10] means logarithm to the base 10

H[T] is the net heating value as determined in subsection (e)(2).

- 5) The maximum allowed velocity in m/s, V[max], for an air-assisted flare must be determined by the following equation:

$$V[\max] = 8.706 + 0.7084H[T]$$

Where:

H[T] is the net heating value as determined in subsection (e)(2) of this Section.

- f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

- 1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

- 2) Install, calibrate, maintain and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

- A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ± 1 percent % of the temperature being monitored in °C or $\pm 0.5^\circ\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

- B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent % of the temperature being monitored in °C or $\pm 0.5^\circ\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed

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- outlet.
- C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.
- D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent $\%$ of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.
- E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicates good combustion operating practices are being used.
- F) For a condenser, either:
- A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or
 - A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ± 1 percent $\%$ of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).
- G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:
- A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or
 - A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.
- 3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.
- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time

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- interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).
- h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
- Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent $\%$ of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.
 - Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(viii).
- i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.
- j) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.
- k) A closed-vent system must meet either of the following design requirements:
- A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 724.934(b), and by visual inspections; or
 - A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.
- l) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:
- Each closed-vent system that is used to comply with subsection

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(k)(1) of this Section shall be inspected and monitored in accordance with the following requirements:

A) An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 724.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv of this Section background.

B) After initial leak detection monitoring required in subsection (1)(1)(A) of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:

i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in Section 724.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (1)(1)(B)(i) of this Section must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (o) of this Section, using the procedures specified in Section 724.934(b) to demonstrate that the components or connections operate with no detectable emissions.

C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (1)(3) of this Section.

D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

2) Each closed-vent system that is used to comply with subsection (k)(2) of this Section must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or

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piping or loose connections.

B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year.

C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (1)(3) of this Section.

D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

3) The owner or operator shall repair all detected defects as follows:

A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (1)(3)(C) of this Section.

B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 724.935.

m) A closed-vent system or control device used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it.

n) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:

A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 724-Subpart X of this Part; or

B) The unit is equipped with and operating air emission

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controls in accordance with the applicable requirements of 724-Subparts AA and CC of this Part or 35 Ill. Adm. Code 725-Subparts AA and CC; or

- C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollution under 40 CFR 61 or 40 CFR 63.

2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:

- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 724-Subpart O of this Part; or
- B) The owner or operator has certified compliance in accordance with interim status requirements of 35 Ill. Adm. Code 725-Subpart O.

3) It is burned in a boiler or industrial furnace for which the owner or operator had done either of the following:

- A) The owner or operator had been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726-Subpart H; or
- B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726-Subpart H.

o) Any components of a closed-vent system that are designated, as described in Section 724.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (1)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:

- 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (1)(1)(B)(ii) of this Section; and
- 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (1)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

(Source: Amended at 23 Ill. Reg. 2180, effective JAN 1 9 1992)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 724.950 Applicability

- a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except as provided in Section 724.964(k), this Subpart applies to

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equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent ~~%~~ by weight that are managed in one of the following:

- 1) A unit that is subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702, 703, and 705,
- 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705, or
- 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.

c) For the owner or operator of a facility subject to this Subpart that received a final permit under 35 Ill. Adm. Code 702, 703, and 705 prior to December 6, 1996, the requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such a date when the owner or operator receives a final permit incorporating the requirements of this Subpart, the owner or operator is subject to the requirements of 35 Ill. Adm. Code 205-Subpart BB. ~~If the owner or operator of equipment subject to the requirements of Sections 724.952 through 724.965 has received a RCRA permit prior to December 21, 1990, the requirements of Sections 724.952 through 724.965 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705-201 or reviewed under 35 Ill. Adm. Code 702-161.~~

d) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

e) Equipment that is in vacuum service is excluded from the requirements of Sections 724.952 to 724.960, if it is identified as required in Section 724.964(g)(5).

f) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent ~~%~~ by weight for a period of less than 300 hours per calendar year is excluded from the requirements of Sections 264.952 through 264.960 if it is identified as required in Section 724.964(g)(6).

BOARD NOTE: The requirements of Sections 724.952 through 724.965 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 724.101(g) are not affected by these requirements.

(Source: Amended JAN 1 9 1992 23 Ill. Reg. 2180, effective JAN 1 9 1992)

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Section 724.960 Standards: Closed-vent Systems and Control Devices

- a) An owner, owners or operator operators of a closed-vent system or systems and control device subject to this Subpart devices shall comply with the provisions of Section 724.933.

b) Implementation Schedule.

1) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup.

2) Any unit that begins operation after December 21, 1990, and which is subject to the provisions of this Subpart when operation begins, must comply with the rules immediately (i.e., the unit must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

3) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart shall comply with all requirements of this Subpart as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

4) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart due to an action other than those described in subsection (b)(3) of this Section shall comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart; the 30-month implementation schedule does not apply).

(Source: Amended at 23 Ill. Reg. 2186, effective 1/1/90)

Section 724.962 Skip Period Alternative for Valves

a) Election

1) An owner or operator subject to the requirements of Section 724.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (3).

2) An owner or operator shall notify the Agency before implementing one of the alternative work practices.

b) Reduced Monitoring

1) An owner or operator shall comply with the requirements for valves, as described in Section 724.957, except as described in subsections (b)(2) and (3).

2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every six months) for the valves subject to the requirements in Section 724.957.

3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every year) for the valves subject to the requirements in Section 724.957.

4) If the percentage of valves leaking is greater than 2 percent, the owner or operator shall monitor monthly in compliance with the requirements in Section 724.957, but may again elect to use this Section after meeting the requirements of Section 724.957(c)(1).

(Source: Amended at 23 Ill. Reg. 2186, effective 1/1/90)

Section 724.964 Recordkeeping Requirements

a) Lumping Units

1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owner and operators shall record the following information in the

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facility operating record:

- 1) For each piece of equipment to which this Subpart applies:
 - A) Equipment identification number and hazardous waste management unit identification.
 - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
 - C) Type of equipment (e.g., a pump or pipeline valve).
 - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
 - E) Hazardous waste state at the equipment (e.g., gas-vapor or liquid).
 - F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- 2) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule as specified in that Section.
- 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 724.935(b)(3).
- 4) Documentation of compliance with Section 724.960, including the detailed design documentation or performance test results specified in Section 724.935(b)(4).
- c) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following requirements apply:
 - 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 724.958(a), and the date the leak was detected, must be attached to the leaking equipment.
 - 2) The identification on equipment except on a valve, may be removed after it has been repaired.
 - 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 724.957(c) and no leak has been detected during those 2 months.
- d) When each leak is detected as specified in Section 724.952, 724.953, 724.957 or 724.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
 - 1) The instrument and operator identification numbers and the equipment identification number.
 - 2) The date evidence of a potential leak was found in accordance with Section 724.958(a).
 - 3) The date the leak was detected and the dates of each attempt to repair the leak.
 - 4) Repair methods applied in each attempt to repair the leak.

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- 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 724.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
 - 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - 7) Documentation supporting the delay of repair of a valve in compliance with Section 724.959(c).
 - 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
 - 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
 - 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 724.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 724.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 724.935(c)(3) through (c)(8).
- f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements, indicating proper operation and maintenance of the control device, in the RCRA permit.
- g) The following information pertaining to all equipment subject to the requirements in Sections 724.952 through 724.960 must be recorded in a log that is kept in the facility operating record:
- 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.
 - 2) List of Equipment
 - A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 724.952(e), 724.953(i) and 724.957(f).
 - B) The designation of this equipment as subject to the requirements of Section 724.952(e), 724.953(i) or 724.957(f) must be signed by the owner or operator.
 - 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 724.954(a).
 - 4) Compliance tests.
 - A) The dates of each compliance test required in Sections 724.952(e), 724.953(i), 724.954 and 724.957(f).
 - B) The background level measured during each compliance test.
 - C) The maximum instrument reading measured at the equipment during each compliance test.
 - 5) A list of identification numbers for equipment in vacuum service.
 - 6) Identification, either by list or location (area or group), of

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equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent ~~by~~ by weight for a period of less than 300 hours per year.

- h) The following information pertaining to all valves subject to the requirements of Section 724.957(g) and (h) must be recorded in a log that is kept in the facility operating record:

- 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
 - 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
- i) The following information must be recorded in the facility operating record for valves complying with Section 724.962:

- 1) A schedule of monitoring.
- 2) The percent of valves found leaking during each monitoring period.

- j) The following information must be recorded in a log that is kept in the facility operating record:

- 1) Criteria required in Sections 724.952(d)(5)(B) and 724.953(e)(2) and an explanation of the design criteria.

- 2) Any changes to these criteria and the reasons for the changes.

- k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 724.950 and other specific Subparts:

- 1) An analysis determining the design capacity of the hazardous waste management unit.
- 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 724.960 and an analysis determining whether these hazardous wastes are heavy liquids.
- 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 724.952 through 724.960. The record must include supporting documentation as required by Section 724.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 724.952 through 724.960, then a new determination is required.

- l) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only 3 years.

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- m) The owner or operator of any facility with equipment that is subject to this Subpart and to regulations at 40 CFR 60, Subpart-VV, or 40-CFR 61, or 63 Subpart-V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation of compliance either pursuant to Section 724.9647 or by documentation of compliance with the regulations at 40 CFR 60, 61, or 63, pursuant to the relevant these provisions of 40 CFR 60, or 61, or 63 to the extent that the documentation under the regulation at 40-CFR 60-or-61-duplicates the documentation required under this Subpart. The documentation of compliance under the regulation at 40 CFR 60, or 61, or 63 must be kept with or made readily available with the facility operating record.

(Source: Amended at 23 Ill. Reg. 2138, effective June 1, 1996)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.980 Applicability

- a) The requirements of this Subpart apply effective October 6, 1996, to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to Subpart 724-Subparts I, J, or K of this Part, except as Section 724.101 and subsection (b) of this Section provide otherwise. BOARD-NOTES--US EPA adopted these regulations at 59 Fed. Reg. 62896 (Dec. 6, 1994)--effective June 6, 1995--At 60 Fed. Reg. 26828 (May 19, 1995)--and 60 Fed. Reg. 56952 (Nov. 13, 1995)--and 61 Fed. Reg. 20508 (June 5, 1996)--US EPA delayed the effective date until October 6, 1996--If action by US EPA or a decision of a federal court changes the effectiveness of these regulations, the Board does not intend that the 724-Subpart CC rules be enforceable to the extent that they become more stringent than the federal regulations upon which they are based. The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996 this date.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or

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- completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA section 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
 - 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 8786-7, 2011 et seq.) and the Nuclear Waste Policy Act.
 - 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with enclosure and control device requirements of Section 724.984(i), except as provided in Section 724.982(c)(5).
 - 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.

- c) For the owner and operator of a facility subject to this Subpart and that received a final RCRA permit prior to December 6, 1996, the requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner and operator receives a final permit incorporating the requirements of this Subpart, the owner and operator is subject to the requirements of 35 Ill. Adm. Code 725-Subpart CC.
- d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 724.989(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

- 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -o-o- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an

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- organic radical.
- 2) The owner or operator prepares documentation, in accordance with Section 724.989(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.
 - 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 23 Ill. Reg.

2186, effective
JAN 19 1999)

Section 724.982 Standards: General

- a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.
- b) The owner or operator shall control air pollutant emissions from each waste management unit in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c) of this Section.
- c) A tank, surface impoundment, or container is exempt from standards specified in Sections 724.984 through 724.987, as applicable, provided that all hazardous waste placed in the waste management unit is one of the following:
 - 1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration shall be determined by the procedures specified in Section 724.983(a). The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.
 - 2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:
 - A) The process removes or destroys the organics contained in

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the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C[t]) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in Section 724.983(b).

B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent %, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in Section 724.983(b).

C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 724.983(b).

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent %, and the organic biodegradation efficiency (R[bio]) for the process is equal to or greater than 95 percent %. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using the procedures specified in Section 724.983(b).

ii) The total actual organic mass biodegradation rate (MR[bio]) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in Section 724.983(b).

E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

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i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USEPA considers a drain system that meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", to be a closed system.

iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination, determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination shall be determined using the procedures specified in Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in Section 724.983(b).

F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent % and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedure specified in Section 724.983(b) and Section 724.983(a), respectively.

G) A hazardous waste incinerator for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H; or

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ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of 35 Ill. Adm. Code 725.Subpart O.

H) A boiler or industrial furnace for which either of the following conditions is true:

- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H; or
- ii) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

- i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, one-half the blank value determined in Section 4.4 of the method or a value of 25 ppmw, whichever is less.
- ii) If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a

Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-gram-mole/m(3)) at 25°C the method.

3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this Section.

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following conditions:

- A) It means the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in 35 Ill. Adm. Code 728.Table T; or
- B) The organic hazardous constituents in the waste have been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or have been removed or destroyed by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).

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5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:

- A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste Operations", incorporated by reference in 35 Ill. Adm. Code 720.111, for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;
- B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and

- C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:

- 1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of Section 724.983(a). The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of Section 724.983(b).
- 2) In performing a waste determination pursuant to subsection (d)(1) of this Section, the sample preparation and analysis shall be conducted as follows:

- A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this Section.
- B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method.

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- 3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.
- 4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this Section shall be used to establish compliance with the requirements of this Subpart.
- 5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period as follows:

- A) The average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of Section 724.983(a).
- B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (d)(5)(C) of this Section.
- C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 shall be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Amended at 23 Ill. Reg. 2186, effective JAN 18 1992)

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Section 724.983 Waste Determination Procedures

- a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.
- 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination shall be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(4).

- b) Waste determination procedures for treated hazardous waste.
- 1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.
- 2) The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.

- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 724.984(c).
- 2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).
- d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart must be conducted in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(d) 40-EPF 265-984(a).

(Source: Amended at 23 Ill. Reg. 2186, effective JAN 18 1992)

Section 724.984 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use

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of this Section for such air emission control.

- b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.

A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:

- i) For a tank design capacity equal to or greater than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psig).
- ii) For a tank design capacity equal to or greater than 75 m(3) (19,800 gal) but less than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.00 psig).
- iii) For a tank design capacity less than 75 m(3) (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).

B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.

C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in 35 Ill. Adm. Code 725.981.

2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in subsection (b)(1)(A) of this Section.

c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:

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1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 724.983(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.

2) The tank must be equipped with a fixed roof designed to meet the following specifications:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof Section joints or between the interface of the roof edge and the tank wall.

C) Either of the following must be true of each ~~Each~~ opening in the fixed roof and of any manifold system associated with the fixed roof ~~must-be-either~~:

- i) The opening or manifold system is equipped Equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or
- ii) The opening or manifold system is connected Connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E) of this Section.

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must

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include the following: the organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

E) The control device operated pursuant to subsection (c)(2)(C) of this Section needs not remove or destroy organics in the vent stream under the following conditions:

i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and

ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) are derived from 40 CFR 264.1084(c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal

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operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

C) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except under the special conditions provided for in subsection (l) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

- i) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;

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- 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;
- 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;
- 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or
- 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.
- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.
 - 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:
 - A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
 - i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981; or
 - ii) Two continuous seals mounted one of this Section the other. The lower seal may be a vapor-mounted seal.
 - C) The internal floating roof must meet the following specifications:
 - i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
 - ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
 - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.
 - iv) Each automatic bleeder vent and rim space vent must be gasketed.
 - v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

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- vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
 - A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents must be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
 - A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.
 - B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:
 - i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
 - ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
 - C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one

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above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.

ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- 4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

1) The owner or operator shall design the external floating roof in accordance with the following requirements:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be

supported by the leg supports.

- B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter (10.0 square inches (in²) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in.). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm (24 in.) above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm² per meter (1.00 in² per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.51 in.).

- C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

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- vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.
 - viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.
 - ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.
 - C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
 - D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
 - F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
 - G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
 - H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
 - i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
 - ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal

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- within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
- iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.
 - iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure of subsection (f)(3)(D) of this Section.
 - v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
 - vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:
- i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following conditions: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
 - ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.
 - iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
 - iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

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C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
- ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii) of this Section.
- iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned.

Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

D) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:

- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
- ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm (0.125 in) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
- iii) For a seal gap measured under subsection (f)(3) of this Section, the gap surface area must be determined by using probes of various widths to measure

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accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

- iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter perimeter of the tank.

These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from correspond-with 40 CFR 284.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of subsection (f) of this Section.

g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

- 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life.

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Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

- 2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of a tank.

- B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date

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that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:

- 1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

- 2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 724.983(d).

- 3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere except in the event that a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to open to avoid an unsafe condition.

- i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the requirements specified in subsections (i)(1) through (i)(4) of this Section.

- 1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and, thereafter, annually.

- 2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 724.987.

- 3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any enclosure, closed-vent

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system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) of this Section.

- 4) The owner or operator shall inspect and monitor the closed-vent system and control device as specified in Section 724.987.

j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

- 1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

- A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.
- B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).
- C) The hazardous waste meets the requirements of Section 724.982(c)(4).

k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section, as follows:

- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

- 1) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

- 1) In the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
- B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.
- 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 23 Ill. Reg. 2180-3, effective JAN 18 1995)

Section 724.985 Standards: Surface Impoundments

a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 724.982(b) references the use of this Section for such air emission control.

b) The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:

- 1) A floating membrane cover in accordance with the provisions specified in subsection (c) of this Section; or
- 2) A cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in subsection (d) of this Section.

c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) of this Section.

- 1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:

- A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
- B) The cover must be fabricated from a synthetic membrane material that is either:

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hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable.

ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that

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i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.098 in); or

ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material.

C) The cover must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

D) Except as provided for in subsection (c)(1)(E) of this Section, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.

E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal.

F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position, except as follows:

A) Opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a

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when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 724.983(d).

- C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere to the extent practical; and that will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction for and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.

- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

- 2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

- i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

- ii) To remove accumulated sludge or other residues from the bottom of the surface impoundment.

- B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

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- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The surface impoundment cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).

- e) The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

- 1) Transfer of hazardous waste, except as provided in subsection (e)(2) of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 724.984 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, Subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under any either of the following conditions:

- A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.

- B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in

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Section 724.982(c)(2).

- C) The hazardous waste meets the requirements of Section 724.982(c)(4).

f) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) of this Section as follows:

- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2) of this Section.

- 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect must be completed before the process or unit resumes operation.

g) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- 1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
- 2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 23 Ill. Reg. 2186, effective JAN 19 1994)

Section 724.986 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 724.982(b) references the use of this Section for such air emission control.

b) General requirements.

- 1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the

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following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

- A) For a container having a design capacity greater than 0.1 m(3) (26 gal) and less than or equal to 0.46 m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

- B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

- C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

- 2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

- 1) A container using Container Level 1 controls is one of the following:

- A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.

- B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

- C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of

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- a suitable organic-vapor suppressing foam.
- 2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.
- 3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:
- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:
- i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
 - ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.
- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:
- i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at

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- any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.
- E) Opening of a safety device, as defined in 35 Ill. Adm. Code

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725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied ~~it-err--does-not-meet-the-conditions~~ ~~for-an-empty-container-as-specified-in-95-iii--Adm--Code 721-407b)~~ within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722.Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the

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container and the container must not be used to manage hazardous waste until the defect is repaired.

- 5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal) or greater, which do not meet applicable DOT regulations, as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

d) Container Level 2 standards.

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

B) A container that operates with no detectable organic emissions, as defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

- i) In the case when the container is filled to the intended final level in one continuous operation, the

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owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

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- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

- A) In the case when a hazardous waste already is in the possession of the container at the facility and the container is not emptied ~~it-e-7-does-not-meet-the-conditions-for-an-empty-container-as-specified-in-35-iii-Adm-Code-721-107(b)}~~ within 24 hours after the container is accepted ~~arrives~~ at the facility [i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)], the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility [i.e., the date when the container becomes subject to the Subpart CC container standards]. For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference

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in the appendix to 40 CFR 262 (USEPA Forms 8700-22 and 8700-22a), as required under Section 724.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 standards.

- 1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure.

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The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices as specified in Section 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 724.989(d).

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as follows:

1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, Subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers--General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.

3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.

4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).

g) To determine compliance ~~the owner or operator shall use the procedure specified in Section 724.983(d) for determining a container operates with the no detectable organic emissions requirement of for the purpose of complying with subsection (d)(1)(B) of this Section, the~~

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procedure specified in Section 724.983(d) must be used.

- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the following: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

- 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

- h) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.

- 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
- 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 23 Ill. Reg. 2186, effective JAN 19 1992)

Section 724.987 Standards: Closed-vent Systems and Control Devices

- a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.
- b) The closed-vent system shall meet the following requirements:
 - 1) The closed-vent system shall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) of this Section.
 - 2) The closed-vent system shall be designed and operated in accordance with the requirements specified in Section 724.933(k).
 - 3) When the closed-vent system includes bypass devices that could be

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used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator, as specified in subsection (b)(3)(A) of this Section, or a seal or locking device, as specified in subsection (b)(3)(B) of this Section. For the purpose of complying with this subsection, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure-relief valves, and other fittings used for safety purposes are not considered to be devices.

- A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this subsection, a flow indicator means a device that indicates the presence of either gas or vapor flow in the bypass line.
- B) If a seal or locking device is used to comply with subsection (b)(3) of this Section, the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

- 4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.933(1).

- c) The control device shall meet the following requirements:

- 1) The control device shall be one of the following devices:
 - A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent Φ by weight;
 - B) An enclosed combustion device designed and operated in accordance with the requirements of Section 724.933(c); or
 - C) A flare designed and operated in accordance with the requirements of Section 724.933(d).
- 2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section shall comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F) of this Section.
 - A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed

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- 240 hours per year.
- B) The specifications and requirements in subsection (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during periods of planned routine maintenance.
- C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during a control device system malfunction.
- D) The owner or operator shall demonstrate compliance with the requirements of subsection (c)(2)(A) of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsections (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 724.989(e)(1)(E).
- E) The owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.
- F) The owner or operator shall operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.
- 3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the following requirements:
- A) Following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 724.933(g) or Section 724.933(h).
- B) All carbon that is a hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 724.933(n), regardless of the average volatile organic concentration of the carbon.
- 4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the requirements of Section 724.933(j).
- 5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) of this Section, as follows:

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- A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) of this Section, or a design analysis, as specified in subsection (c)(5)(D) of this Section, the performance of each control device except for the following:
- A flare;
 - A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
 - A boiler or process heater into which the vent stream is introduced with the primary fuel;
 - A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates the unit in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H; or
 - A boiler or industrial furnace burning hazardous waste that the owner or operator has designed and operates in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 724.933(e).
- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) of this Section, the owner or operator shall use the test methods and procedures specified in Section 724.934(c)(1) through (c)(4).
- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section, the design analysis shall meet the requirements specified in Section 724.935(b)(4)(C).
- E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis then the disagreement shall be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section. The Agency may choose to have an authorized representative observe the performance test.
- 7) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.933(f)(2) and (1). The

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readings from each monitoring device required by Section 724.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 23 Ill. Reg. 2186, effective 1/1/99)

Section 724.989 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to the requirements of in this Subpart shall record and maintain the information specified in subsections (b) through (j) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections subsection (i) and (j) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections subsection (i) and (j) of this Section must be maintained in the operating record for as long as the waste management unit tank-or-container is not using air emission controls specified in Sections 724.984 through 724.987, in accordance with the conditions specified in Section 724.984(d) or (b)(7), respectively.
- b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 724.984 shall prepare and maintain records for the tank that include the following information:
- 1) For each tank using air emission controls in accordance with the requirements of Section 724.984, the owner or operator shall record:
 - A) A tank identification number (or other unique identification description as selected by the owner or operator).
 - B) A record for each inspection required by Section 724.984 that includes the following information:
 - i) Date inspection was conducted.
 - ii) For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements provisions of Section 724.984, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
 - 2) In addition to the information required by subsection (b)(1) of

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this Section, the owner or operator shall record the following information, as applicable to the tank:

- A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 724.984(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 724.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.
- B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(e) shall prepare and maintain documentation describing the floating roof design. Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(f) shall prepare and maintain the following records:
 - i) Documentation describing the floating roof design and the dimensions of the tank.
 - ii) Records for each seal gap inspection required by Section 724.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtain for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 724.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.
- D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 724.984(i) shall prepare and maintain the following records:
 - i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- c) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 724.985 shall prepare and maintain records for the surface impoundment that include

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the following information.

- 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
- 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 724.985(c).
- 3) A record for each inspection required by Section 724.985 that includes the following information:
 - A) Date inspection was conducted.
 - B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 724.985(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
 - 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e).
- d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 724.986 shall prepare and maintain records that include the following information:
 - 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 724.987 shall prepare and maintain records that include the following information:
 - 1) Documentation for the closed-vent system and control device that includes:
 - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface

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- impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.
- B) If a design analysis is used, then design documentation, as specified in Section 724.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
 - C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.
 - D) Information as required by Section 724.935(c)(1) and Section 724.935(c)(2), as applicable.
 - E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable.
 - i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.
 - ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
 - F) An owner or operator shall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 724.987 (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable.
 - i) The occurrence and duration of each malfunction of the control device system.
 - ii) The duration of each period during a malfunction when gases, vapors or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
 - iii) Actions taken during periods of malfunction to restore

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peroxide compounds identified pursuant to subsection (i)(1) of this Section are managed at the facility in tanks and containers. This description must include the following information:

A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the containers.

3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section in the tanks or containers identified pursuant to subsection (i)(2) of this Section would create an undue safety hazard if the air emission controls specified in Sections 724.984 through 724.987 were installed and operated on these waste management units. This explanation must include the following information:

A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of containers equipped with these air

a malfunctioning control device to its normal or usual manner of operation.

G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).

f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 724.982(c) shall prepare and maintain the following records, as applicable:

1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 724.982(c)(1) or (c)(2)(A) through (c)(2)(E), the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of Section 724.983.

2) For tanks, surface impoundments, or containers exempted under the provisions of Section 724.982(c)(2)(G) or (c)(2)(H), the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 724.984(l) or Section 724.985(g) shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

i) For each tank or container not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the conditions specified in Section 724.980(d), the owner or operator shall record and maintain the following information:

1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 724.980(d)(1).

2) A description of how the hazardous waste containing the organic

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emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

- 1) For each hazardous waste management unit not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the requirements of Section 724.980(b)(7), the owner and operator shall record and maintain the following information:

1) The certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60.61, or 63.

- 2) An identification of the specific federal requirements codified under 40 CFR 60, 61, or 63 with which the waste management unit is in compliance.

(Source: Amended at 23 Ill. Reg. **2186** effective
JAN 10 1999)

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- 1) Heading of the Part: Standards for the Management of Used Oil
- 2) Code citation: 35 Ill. Adm. Code 739
- 3) Section numbers: Adopted action:
739.110 Amended
739.122 Amended
739.145 Amended
739.154 Amended
739.164 Amended
739.174 Amended
- 4) Statutory authority: 415 ILCS 5/22.4, and 27.
- 5) Effective date of amendments: January 19, 1999
- 6) Does this rulemaking contain an automatic repeal date: No.
- 7) Do these amendments contain incorporations by reference? No. None of the existing text of Part 739 involved in this proceeding includes an incorporation by reference.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: October 16, 1998, 22 Ill. Reg. 18780
- 10) Has JCAR issued a Statement of Objections to these rules? No. Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) and 22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version: The following table indicates the revisions made to the text of the amendments since the Board's September 17, 1998 proposal for public comment:
- | | |
|-----------------|---|
| 739-Source Note | Added entry for R98-21/R99-2/R99-7 |
| 739.145(d)(1) | Restructured subsection, dividing (d)(1)(A), for enhanced clarity |
| 739.145(e)(1) | Restructured subsection, dividing (e)(1)(A), for enhanced clarity |

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- 739.145(f)(1) Restructured subsection, dividing (f)(1)(A), for enhanced clarity
- 739.145(h) Restored "after" to base text; corrected "a owner" to "an owner"
- 739.154(c)(1) Restructured subsection, dividing (c)(1)(A), for enhanced clarity
- 739.154(d)(1) Restructured subsection, dividing (d)(1)(A), for enhanced clarity
- 739.154(e)(1) Restructured subsection, dividing (e)(1)(A), for enhanced clarity
- 739.154(g) Restored "after" to base text
- 739.164(d)(1) Restructured subsection, dividing (d)(1)(A), for enhanced clarity
- 739.164(e)(1) Restructured subsection, dividing (e)(1)(A), for enhanced clarity
- 739.164(g) Restored "after" to base text

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR staff suggested revisions to the text of the rules that the Board has incorporated into the text.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 17, 1998, in Board docket number R98-21/R99-7, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

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This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

- R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.
- R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.
- R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699 (July 14, 1997) USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568 (August 28, 1997) USEPA issued a second emergency extension of the alternative treatment standards for carbanate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503 (December 5, 1997) USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656 (December 8, 1997) USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503 (April 15, 1998) USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

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63 Fed. Reg. 24595
(May 4, 1998)

USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963
(May 6, 1998)

USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)

USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781
(June 19, 1998)

USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has previously taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 37782
(July 14, 1998)

USEPA removed three amendments from its May 6, 1998 direct final rule relating to used oil contaminated with PCBs.

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new listings for five additional hazardous wastes from the petroleum refining industry, along with land disposal restrictions (LDRs) for these wastes.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

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63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

63 Fed. Reg. 54356
(October 9, 1998)

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)

USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997. Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394
(September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503
(December 5, 1997)

Clarification of when a treatment variance is available.

62 Fed. Reg. 64656
(December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.

Pulp and paper industry sector standards.

Organobromine chemicals waste rules.

Used oil mixtures rules for PCB-contaminated oils.

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Request copies of the Board's opinion and order of December 17, 1998, from
Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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- 63 Fed. Reg. 28555
(May 26, 1998) "Phase IV" land disposal restrictions.
- 63 Fed. Reg. 33781
(June 19, 1998) Hazardous waste combustion rules.
- 63 Fed. Reg. 35147
(June 29, 1998) Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 37782
(July 14, 1998) Removal of three amendments from the May 6, 1998 direct final rule.
- 63 Fed. Reg. 38756
(July 20, 1998) Correction to 40 C.F.R. 136.3(e), table.
- 63 Fed. Reg. 42109
(August 6, 1998) New hazardous waste listings and land disposal restrictions for wastes from the petroleum refining industry.
- 63 Fed. Reg. 42580
(August 10, 1998) Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.
- 63 Fed. Reg. 44146
(August 18, 1998) Correction to 40 C.F.R. 136.3(e), table.
- 63 Fed. Reg. 46331
(August 31, 1998) Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 48124
(September 9, 1998) Extension of the Phase IV LDR compliance deadline.
- 63 Fed. Reg. 54356
(October 9, 1998) Changed the compliance deadline for the August 6, 1998 rules.

Specifically, the amendments to Part 739 include major segments of the federal May 6, 1998, used oil amendments.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

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SUBCHAPTER C: SPECIFIC HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 739

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Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended at R98-21/R99-2/R99-7 at 23 Ill. Reg. 824, effective JAN 1 9 1999.

SUBPART B: APPLICABILITY

Section 739.110 Applicability

This Section identifies those materials which are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under 35 Ill. Adm. Code 702, 703, 720 through 726, and 728.

- a) Used oil. USEPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Section 739.111, the regulations of this Part apply to used oil, and to materials identified in this Section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.
- b) Mixtures of used oil and hazardous waste.
 - 1) Listed hazardous waste.
 - A) A mixture of used oil and hazardous waste that is listed in 35 Ill. Adm. Code 721.Subpart D is subject to regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, and 728, rather than as used oil under this Part.
 - B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721.Appendix H). USEPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document number 955-001-00000-1).
 - i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling

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arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- 2) Characteristic hazardous waste. A mixture of used oil and hazardous waste that exhibits a hazardous waste characteristic identified in 35 Ill. Adm. Code 721.Subpart C and a mixture of used oil and hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C is subject to:

- A) Except as provided in subsection (b)(2)(C) of this Section, regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, and 728 rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C; or
- B) Except as provided in subsection (b)(2)(C) of this Section, regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under 35 Ill. Adm. Code 721.Subpart C.
- C) Regulation as used oil under this Part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.
- 3) Conditionally exempt small quantity generator hazardous waste. A mixture of used oil and conditionally exempt small quantity generator hazardous waste regulated under 35 Ill. Adm. Code 721.105 is subject to regulation as used oil under this Part.
- c) Materials containing or otherwise contaminated with used oil.
 - 1) Except as provided in subsection (c)(2) of this Section, a material containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:
 - A) Is not used oil, and thus, it is not subject to this Part, and
 - B) If applicable, is subject to the hazardous waste regulations

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of 35 Ill. Adm. Code 703, 705, 720 through 726, and 728.

- 2) A material containing or otherwise contaminated with used oil that is burned for energy recovery is subject to regulation as used oil under this Part.
- 3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.
- d) Mixtures of used oil with products.
 - 1) Except as provided in subsection (d)(2) of this Section, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.
 - 2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this Part.
- e) Materials derived from used oil.
 - 1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:
 - A) Not used oil and thus are not subject to this Part, and
 - B) Not solid wastes and are thus not subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726, and 728 as provided in 35 Ill. Adm. Code 721.103(e)(1).
 - 2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.
 - 3) Except as provided in subsection (e)(4) of this Section, materials derived from used oil that are disposed of or used in a manner constituting disposal are:
 - A) Not used oil and thus are not subject to this Part, and
 - B) Are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726, and 728 if the materials are listed or identified as hazardous waste.
 - 4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this Part.

f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil

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is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

- g) Used oil introduced into crude oil pipelines or a petroleum refining facility.
 - 1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this Part. The used oil is subject to the requirements of this Part prior to the mixing of used oil with crude oil or natural gas liquids.
 - 2) Mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this Part.
 - 3) Used oil that is inserted into the petroleum refining process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this Part, provided that the used oil contains less than 1% of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining process, the used oil is subject to the requirements of this Part.
 - 4) Except as provided in subsection (g)(5) of this Section, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this Part only if the used oil meets the specification of Section 739.111. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this Part.
 - 5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this Part. This exemption does not extend to used oil that is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).
 - 6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this Part.
 - h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.
 - i) Used oil containing PCBs. In addition to the requirements of this Part, a marketer or burner of used oil that markets or burns oil

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~~containing any-quantifiable-level-of-pcbs-is~~ Used oil containing PCBs, as defined at 40 CFR 761.3, incorporated by reference at 35 Ill. Adm. Code 720.111(b), at any concentration less than 50 ppm is subject to the requirements of this Part. Used oil subject to the requirements of this Part may also be subject to the prohibitions and requirements of 40 CFR Part 761, including 40 CFR 761.20(d) and (e). Used oil containing PCBs at concentrations of 50 ppm or greater is not subject to the requirements of this Part, but is solely subject to regulation under 40 CFR 761.

(Source: Amended at 23 Ill. Reg. 2274-7 effective 10/1/99)

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section 739.122 Used oil storage

Used oil generators are subject to all applicable federal Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Storage units. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store used oil at generator facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Labels.

- 1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."

- d) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of 40 CFR Part 280, Subpart F and which has occurred after October 4, 1996 the ~~effective-date-of-the-authorized-used-oil-program-for-the-State-in-which-the-release-is-located~~, a generator shall perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.22(d) applies to releases that "occurred after the effective date of the authorized used oil program for the state in which the release is located." The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective

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November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized state in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Properly clean clean up and manage properly the released used oil and other materials; and
- 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 23 Ill. Reg. 2274 effective JAN 19 1999)

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section 739.145 Used oil storage at transfer facilities

A used oil transporter is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. A used oil transporter is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Applicability. This Section applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F.
- b) Storage units. Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- c) Condition of units. Containers and aboveground tanks used to store used oil at transfer facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- d) Secondary containment for containers. Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.

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- 1) The secondary containment system must consist of, at a minimum:
- A) Both:
- Dikes, berms or retaining walls; and
 - ~~B) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls; or~~
- ~~B) An equivalent secondary containment system.~~
- 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- e) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
- A) Both:
- Dikes, berms or retaining walls; and
 - ~~B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or~~
- ~~B) An equivalent secondary containment system.~~
- 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Secondary containment for new aboveground tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
- A) Both:
- Dikes, berms or retaining walls; and
 - ~~B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or~~
- ~~B) An equivalent secondary containment system.~~
- 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- g) Labels.
- 1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."
- h) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of 40 CFR 280, Subpart F and 35-III-Adm-Code-731-Subpart-F which has occurred after October 4, 1996 the effective date of the authorized used-oil

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~~Program--for--the State in which the release is located, an owner or operator of a transfer facility shall perform the following cleanup steps:~~

BOARD NOTE: Corresponding 40 CFR 279.45(h) applies to releases that "occurred after the effective date of the authorized used oil program for the state in which the release is located." The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted the "effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized state in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- Stop the release;
- Contain the released used oil;
- Properly clean ~~clean~~ up and manage properly the released used oil and other materials; and
- If necessary ~~to--prevent--future--releases~~, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended ~~at~~ JAN 9 1996 23 Ill. Reg. 2094, effective

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.154 Used oil management

A used oil processor is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart.

A used oil processor or re-refiner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- Management units. Used oil processors shall not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- Condition of units. Containers and aboveground tanks used to store or process used oil at processing facilities must be:
 - In good condition (no severe rusting, apparent structural defects or deterioration); and
 - Not leaking (no visible leaks).
- Secondary containment for containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

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- 1) The secondary containment system must consist of, at a minimum:
- Both:
 - Dikes, berms or retaining walls; and
 - ~~ii) B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or~~
 - ~~B) E) An equivalent secondary containment system.~~
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- 3) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
- Both:
 - Dikes, berms or retaining walls; and
 - ~~ii) B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or~~
 - ~~B) E) An equivalent secondary containment system.~~
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- 3) Secondary containment for new aboveground tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:
- Both:
 - Dikes, berms or retaining walls; and
 - ~~ii) B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or~~
 - ~~B) E) An equivalent secondary containment system.~~
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Labels.
- Containers and aboveground tanks used to store used oil at processing facilities must be labeled or marked clearly with the words "Used Oil."
 - Fill pipes used to transfer used oil into underground storage tanks at processing facilities must be labeled or marked clearly with the words "Used Oil."
 - Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of 40 CFR 280, Subpart F and 35-~~Ill-Adm-Code-731-Subpart-F~~ which has occurred

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- after October 4, 1996 ~~the effective date of the authorized-used-oil program-for-the-State-in-which-the-release-is--located~~, a processor shall perform the following cleanup steps:
- BOARD NOTE: Corresponding 40 CFR 279.54(g) applies to releases that "occurred after the effective date of the authorized used oil program for the state in which the release is located." The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted the "effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized state in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.
- Stop the release;
 - Contain the released used oil;
 - Properly clean ~~clean~~ up and manage ~~properly~~ the released used oil and other materials; and
 - If necessary ~~to--prevent-future-releases~~, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
- h) Closure.
- Aboveground tanks. Owners and operators that store or process used oil in aboveground tanks shall comply with the following requirements:
 - At closure of a tank system, the owner or operator shall remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.
 - If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (h)(1)(A) of this Section ~~above~~, then the owner or operator shall close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (35 Ill. Adm. Code 725.410).
 - Containers. Owners and operators that store used oil in containers shall comply with the following requirements:
 - At closure, containers holding used oils or residues of used oil must be removed from the site:
 - The owner or operator shall remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous

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waste, unless the materials are not hazardous waste 35 Ill. Adm. Code 721.

(Source: Amended at 23 Ill. Reg. 2274, effective JAN 9 1996)

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN
OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.164 Used oil storage

A used oil burner is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. A used oil burner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Storage units. Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store oil at burner facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Secondary containment for containers. Containers used to store used oil at burner facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Dikes, berms or retaining walls; and
- B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.

- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Both:
 - i) Dikes, berms or retaining walls; and
 - ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
- B) An equivalent secondary containment system.

- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil

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- e) Secondary containment for existing aboveground tanks. New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Both:
 - i) Dikes, berms or retaining walls; and
 - ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
- B) An equivalent secondary containment system.

- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

f) Labels.

- 1) Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."

- g) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of 40 CFR 280, Subpart F and 35-~~311-Adm-Code-731-Subpart-P~~ which has occurred after October 4, 1996 ~~the effective date of the authorized-used-oil program-for-the-State-in-which-the-release-is-located~~, a burner shall perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.64(g) applies to releases that "occurred after the effective date of the authorized used oil program for the state in which the release is located." The Board adopted the used oil standards in docket P93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted the "effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized state in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Properly clean up and manage properly the released used oil and other materials; and
- 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 2274 - , effective JAN 18 1996)

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.174 Tracking

a) Off-specification used oil delivery. Any used oil fuel marketer that directs a shipment of off-specification used oil to a burner shall keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

- 1) The name and address of the transporter that delivers the used oil to the burner;
- 2) The name and address of the burner that will receive the used oil;
- 3) The USEPA 0-S-7-EPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner;
- 4) The USEPA 0-S-7-EPA identification number and Illinois special waste identification number of the burner;
- 5) The quantity of used oil shipped; and
- 6) The date of shipment.

b) On-specification used oil delivery. A generator, transporter, processor or re-refiner, or burner that first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 shall keep a record of each shipment of used oil to an on-specification used oil burner. Records for each shipment must include the following information:

- 1) The name and address of the facility receiving the shipment;
 - 2) The quantity of used oil fuel delivered;
 - 3) The date of shipment or delivery; and
 - 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).
- c) Record retention. The records described in subsections (a) and (b) of this Section above must be maintained for at least three years.

(Source: Amended at 23 Ill. Reg. 2274 - , effective JAN 18 1996)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Funeral Directors and Embalmers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 1250
- 3) Section Numbers: Adopted Action:
1250.220 Amendment
- 4) Statutory Authority: Funeral Directors and Embalmers Licensing Code [225 ILCS 41].
- 5) Effective Date of Amendments: January 22, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 23, 1998, at 22 Ill. Reg. 19219.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 90-50 exempts licensees who have been practicing for 40 years or longer from the continuing education requirement for renewal. This proposed rulemaking implements that provision.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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NOTICE OF ADOPTED AMENDMENT

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1250

FUNERAL DIRECTORS AND EMBALMERS LICENSING CODE

Section	
1250.110	Approved Programs of Mortuary Science
1250.120	Application for Traineeship
1250.130	Requirements for Traineeship
1250.135	Application for Licensure
1250.140	Examination
1250.150	Reciprocity
1250.155	Inactive Status
1250.160	Restoration
1250.170	Requirements for a Preparation Room
1250.180	Required Activities (Repealed)
1250.190	Violations (Repealed)
1250.200	Renewals
1250.205	Advertising
1250.210	Granting Variances
1250.220	Continuing Education

AUTHORITY: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Illinois Funeral Directors and Embalmers Act, effective March 19, 1975; amended at 4 Ill. Reg. 30, p. 1238, effective July 10, 1980; codified at 5 Ill. Reg. 11034; repealed and new rules adopted at 6 Ill. Reg. 4203, effective April 26, 1982; emergency amendment at 7 Ill. Reg. 7675, effective June 14, 1983, for a maximum of 150 days; emergency rule expired November 11, 1983; amended at 9 Ill. Reg. 4529, effective March 27, 1985; transferred from Chapter I, 68 Ill. Adm. Code 250 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1250 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2931; amended at 13 Ill. Reg. 14061, effective August 29, 1989; amended at 15 Ill. Reg. 8238, effective May 16, 1991; amended at 17 Ill. Reg. 19132, effective ~~JAN 10 1993~~ JAN 10 1993, effective ~~1993~~ 1993.

Section 1250.220 Continuing Education

- a) Continuing Education Hour Requirements
- 1) Every funeral director and embalmer renewal applicant shall complete 24 hours of continuing education (CE) relevant to the practice of funeral directing and embalming during each

DEPARTMENT OF PROFESSIONAL REGULATION

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prereneval period.

2) Every funeral director renewal applicant shall complete 12 hours of CE relevant to the practice of funeral directing or embalming during each prereneval period.

3) The Department shall conduct random audits to verify compliance with this Section. The prereneval period is the 24 months preceding the expiration date of the license.

4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

5) A licensee who has been actively licensed as a funeral director and/or embalmer for at least 40 years shall be exempt from the continuing education requirements of this Section.

6) Funeral directors and embalmers licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Activities for which CE credit may be earned are as follows:

1) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.

2) A maximum of 6 hours for funeral directors or 12 hours for funeral directors and embalmers per prereneval period for:

A) Personal preparation of an educational presentation pertaining to funeral directing and/or embalming that is orally delivered before recognized funeral directing and embalming organizations;

B) Writing of articles pertaining to funeral directing or embalming and having them published in nationally recognized funeral directing and embalming journals;

C) Writing a chapter in a book pertaining to funeral directing or embalming; and

D) Completion of self-study courses taken through an accredited college or university or an approved sponsor. Such self-study courses shall meet the following requirements:

i) Credit for each self-study course cannot exceed 6 hours.

ii) A licensee cannot accumulate more than 12 hours from self-study courses in a renewal period.

iii) Self-study courses designed for CE credit must include an examination that tests the skills of the licensee and is of sufficient depth that answers are not readily apparent and have not been provided to the licensee by the sponsor or anyone else.

iv) Sponsors have the obligation to craft examinations in ways to prevent candidates from obtaining unearned credit.

3) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2

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hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 6 hours for funeral directors or 12 hours for funeral directors and embalmers during any renewal period.

4) The CE hours used to satisfy the CE requirements for renewal of a funeral director or funeral director and embalmer license held in another jurisdiction shall be applied to fulfillment of the CE requirements for renewal of their Illinois funeral director or funeral director and embalmer license.

5) A maximum of 24 hours of CE credit shall be given for courses completed at an accredited college or university. One semester hour shall equal 8 CE hours. One quarter hour shall equal 6 CE hours.

6) A CE hour means a minimum of 50 minutes of actual continuing education spent by a licensee in actual attendance at and completion of an approved CE activity. A CE program shall not be presented during a dinner or social function. The dinner or social function must be concluded before the CE program commences or be held after the CE program is completed. If the program involves one or more hours of education, credit may be issued in one-half hour increments.

7) Credit will not be given for activities that are not included in subsection (b).

c) CE Sponsors and Programs

1) Sponsor, as used in this Section, pursuant to Section 10-35 of the Code, shall mean the following:

- A) An accredited college or university;
- B) Illinois Funeral Directors Association;
- C) Funeral Directors Services Association of Greater Chicago;
- D) Cook County Association of Funeral Home Owners, Inc.;
- E) Illinois Selected Morticians Association;
- F) National Funeral Directors Association;
- G) National Foundation of Funeral Service;
- H) National Selected Morticians Association;
- I) An Illinois school of mortuary science;
- J) International Order of the Golden Rule;
- K) National Funeral Directors and Morticians Association; or
- L) Any other school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department to coordinate and present CE courses and programs in conjunction with this Section.

2) A sponsor shall file a sponsor application which certifies the following:

- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3)

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- below and all other criteria in this Section;
- B) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(5); and
- C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Code and this Part and that this information is necessary to ensure compliance.
- 3) All courses and programs shall:
- Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of funeral directing or embalming. The course content shall be designed to focus on such advancement and enhancement of professional skills and knowledge;
 - Specify the course objectives, course content and teaching methods to be used;
 - Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
 - Include some mechanism whereby participants evaluate the overall quality and content of the program.
- 4) All programs given by sponsors should be open to all licensed funeral directors and funeral directors and embalmers and not be limited to the members of a single organization or group.
- 5) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:
- The name and address of the sponsor;
 - The name and license number of the participant;
 - A brief statement of the subject matter;
 - The number of CE hours awarded in each program;
 - The date and place of the program; and
 - The signature of the sponsor.
- 6) The certificate of attendance shall be distributed following the educational program or otherwise be provided to the attendee by the sponsor such as mailing the certificate or summary of attendance at one or more qualifying educational events.
- 7) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(5) above for not less than 5 years, except for the signature of the sponsor.
- 8) The sponsor shall be responsible for assuring that no participant

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- shall receive CE credit for time not actually spent attending the program.
- 9) If it is determined after a hearing before the Board that a sponsor has failed to comply with the foregoing requirements, the Department shall thereafter refuse to accept for CE credit attendance at any of such sponsor's CE activities until such time as the Department receives assurances of compliance with this Section.
- 10) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.
- 11) The Department shall maintain a list of all approved continuing education sponsors in addition to those identified under subsection (c)(1).
- d) Certification of Compliance with CE Requirements
- Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a) above.
 - The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such additional evidence will be required in the context of the Department's random audit.
 - When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may be required to interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act (415 Rev. Stat. 1991, ch. 127, par. 10-65) [5 ILCS 100/10-65].
- e) Waiver of CE Requirements
- Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that extreme hardship has been shown, the Department shall waive enforcement of CE requirements for that renewal period.
 - If an interview with the Board is requested at the time the request for waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
 - Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient

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hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - B) An incapacitating illness, documented by a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Other similar extenuating circumstances (i.e., family illness, prolonged hospitalization or advanced age).
- 4) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, pursuant to the provisions of this Section, shall be deemed to be in good standing until the Department's final decision on the application has been made.
- 5) Any applicant who submits a request for waiver that is denied may then request his/her license be placed on inactive status. The applicant shall comply with the continuing education requirements prior to restoration of the license from inactive status in accordance with Section 1205.160 of this Part.

(Source: Amended at 23 Ill. Reg. 2296, effective JAN 22 1999)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Occupational Therapy Practice Act

2) Code Citation: 68 Ill. Adm. Code 1315

3) Section Numbers: Adopted Action:
1315.100 Amendment
1315.110 Amendment
1315.120 Amendment
1315.160 Amendment
1315.165 Amendment

4) Statutory Authority: Illinois Occupational Therapy Practice Act [225 ILCS 75].

5) Effective Date of Amendments: January 22, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: October 16, 1998, at 22 Ill. Reg. 18820.

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Difference(s) between proposal and final version: Clarification was made to Section 1350.110 (a)(4) and (b)(4) that Department approval to sit for the examination is needed for applicants wishing to practice prior to passing the examination.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Section 1315.110 includes a definition of "supervision", and Section 1315.165 expands the professional conduct standards. Other sections are amended to update the rules to conform to current practices.

16) Information and questions regarding these Adopted Amendments shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

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Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1315

ILLINOIS OCCUPATIONAL THERAPY PRACTICE ACT

Section

1315.90 Application for Licensure Under Section 14 of the Act (Repealed)

1315.100 Approved Programs

1315.110 Application for Licensure

1315.120 Examination

1315.130 Fees for the Administration of the Act

1315.140 Renewal

1315.150 Endorsement

1315.160 Restoration

1315.163 Supervision

1315.165 Professional Conduct Standards

1315.170 Advertising

1315.180 Conduct of Hearings (Repealed)

1315.200 Granting Variances

AUTHORITY: Implementing the Illinois Occupational Therapy Practice Act [225 ILCS 75] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 676, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16455, effective August 28, 1984; recodified from Chapter I, 68 Ill. Adm. Code 315 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1315 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2940; amended at 18 Ill. Reg. 7373, effective May 2, 1994; amended at 18 Ill. Reg. 16615, effective October 27, 1994; amended at 23 Ill. Reg. 2304, effective JAN 28 1995.

Section 1315.100 Approved Programs

a) The Department of Professional Regulation (the Department) shall approve a program of occupational therapy education as reputable and in good standing if it meets the following minimum criteria:

- 1) Is from an institution legally recognized and authorized by the jurisdiction in which it is located to confer either a baccalaureate degree in occupational therapy, or its equivalent, or an associate degree in occupational therapy, or its equivalent.
- 2) Has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence in

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- their area(s) of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.
- 3) Has a curriculum of sufficient content for the achievement of entry level competencies, including liberal and technical education. Documentation shall include instructional objectives, outlines, methods and learning experiences.
 - 4) Accepts only those persons who have graduated from an accredited high school or its equivalent.
 - 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
 - 6) Maintains or is formally affiliated with a field work education center that provides a sufficient number and variety of occupational therapy cases for the student's practical instruction.
 - 7) Publishes the requirements for graduation and degrees in a regularly issued catalog.
 - b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Accreditation Counsel for Occupational Therapy (ACOTE) American-Occupational-Therapy-Association.
 - c) The Department has determined that all occupational therapy programs accredited or approved by the ACOTE American-Occupational-Therapy Association as of July 1, 1996 January--17--1994, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 23 Ill. Reg. _____, effective JAN 22 1993)

Section 1315.110 Application for Licensure

- a) Any person seeking licensure as a registered occupational therapist shall file an application with the Department, on forms supplied by the Department, along with the following:
 - 1) Certification that the applicant has completed an approved program of occupational therapy as set forth in Section 1315.100;
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapist, Registered, which shall be received directly from the designated testing service;
 - 3) A complete work history since graduation from an occupational therapy program;
 - 4) Verification of employment and Department approval to sit for the examination if an applicant wishes to practice prior to passing the examination pursuant to Section 3(6) of the Act;
- 5) 4) The required fee set forth in Section 1315.130(a) of this Part; and
- 6) 5) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and

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- is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Any person seeking licensure as a certified occupational therapy assistant shall file an application with the Department, on forms supplied by the Department, along with the following:
 - 1) Certification that the applicant has completed an approved program of occupational therapy;
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapy Assistants, which shall be received directly from the designated testing service;
 - 3) A complete work history since completion of education as an occupational therapy assistant;
 - 4) Verification of employment and Department approval to sit for the examination if an applicant wishes to practice prior to passing the examination pursuant to Section 3(6) of the Act;
 - 5) 4) The required fee set forth in Section 1315.130(a) of this Part; and
 - 6) 5) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
 - c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Illinois Occupational Therapy Board (the Board) because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
 - d) An applicant for licensure whose examination scores are more than 5 years old and who is not actively practicing as an occupational therapist or occupational therapy assistant shall be required to successfully complete the examination before the Department may issue a license.
 - e) If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of

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authorization which allows him/her to practice under supervision in accordance with Section 3(6) of the Act. Supervision means the presence of the licensed occupational therapist on site at least 75% of the employee's work hours. The applicant shall not begin practice as an occupational therapist or occupational therapist assistant, license pending, until the letter of authorization is received from the Department or until the employer verifies that the application is on file with the Department.

(Source: Amended at 23 Ill. Reg. 2304, effective JAN 22 1993)

Section 1315.120 Examination

- The examination for licensure as a registered occupational therapist shall be the certification examination for the National Board for Certification in Occupational Therapy, Inc. ~~American Occupational Therapy--Certification--Board~~ (Certification Examination for Occupational Therapist, Registered).
- The examination for licensure as a certified occupational therapy assistant shall be the certification examination for the National Board for Certification in Occupational Therapy, Inc. ~~American Occupational Therapy--Certification--Board~~ (Certification Examination for Occupational Therapy Assistants).
- Candidates shall make application for the examination and pay the appropriate examination fee directly to the designated testing service.
- Unsuccessful candidates may retake the examination as many times as they wish.
- Passage of the certification examination according to testing service standards shall be required for licensure.

(Source: Amended at 23 Ill. Reg. 2304, effective JAN 22 1993)

Section 1315.160 Restoration

- A person seeking restoration of a license that has expired or been placed on inactive status for 5 years or more ~~than 5 years~~ shall file an application with the Department, on forms supplied by the Department, along with the required fees specified in Section 1315.130 of this Part. The applicant shall also submit one of the following:
 - Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - An affidavit attesting to military service as provided in Section

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11 of the Act (no fee is required when restoring from a period of military service if application is made within 2 years after termination of the service);

- Verification of successful completion of the Certification Examination of the ~~NBCOT American--Occupational Therapy Association~~ for licensure as a registered occupational therapist or certified occupational therapy assistant within the last 5 years prior to applying for restoration; or
- Evidence of recent attendance at educational programs in occupational therapy, including attendance at college level courses, professionally oriented continuing education classes, special seminars, or any other similar program, or evidence of recent related work experience to show that the applicant has maintained competence in his/her field.
- A registrant seeking restoration of a license that has been expired for less than 5 years shall have the license restored upon payment of \$10 plus all lapsed renewal fees required by Section 1315.130 of this Part.
- A registrant seeking restoration of a license that has been on inactive status for less than 5 years shall have the license restored upon payment of the current renewal fee.
- When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - Provide such information as may be necessary; and/or
 - Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 23 Ill. Reg. 2304, effective JAN 22 1993)

Section 1315.165 Professional Conduct Standards

All licensed occupational therapists or occupational therapy assistants shall comply with the standards of professional conduct set forth below. Any violation of these conduct rules may be considered unethical, unauthorized or unprofessional conduct. The Department may suspend or revoke a license, refuse to issue or renew a license, or take other disciplinary action, based upon the finding of "unethical, unauthorized or unprofessional conduct" within the meaning of Section 19 of the Act.

- Individuals licensed under the Act shall be required, when signing official patient records, to designate licensure by including the notation O.T.R./L (Occupational Therapist, Registered/Licensed) or C.O.T.A./L (Certified Occupational Therapy Assistant/Licensed) after the licensee's signature.

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b) Occupational therapy personnel shall respect the rights of the recipients of their services.

1) Occupational therapy personnel should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.

2) Occupational therapy personnel shall avoid those relationships or activities that interfere with professional judgment and objectivity. Occupational therapy personnel shall not have relationships that exploit the recipient of services sexually, physically, emotionally, financially, socially or in any other manner.

3) Occupational therapy personnel shall strive to ensure that fees are fair, reasonable and commensurate with the service performed and are set with due regard for the service recipient's ability to pay.

4) Occupational therapy personnel shall collaborate with service recipients or their surrogate(s) in determining goals and priorities throughout the intervention process.

5) Occupational therapy personnel shall fully inform the service recipients of the nature, risks and potential outcomes of any interventions.

6) Occupational therapy personnel shall obtain informed consent from subjects involved in research activities indicating they have been fully advised of the potential risks and outcomes.

7) Occupational therapy personnel shall respect the individual's right to refuse professional services or involvement in research or educational activities.

8) Occupational therapy personnel shall protect the confidential nature of information gained from educational, practice and research activities.

c) Occupational therapy personnel shall achieve and continually maintain high standards of competence.

1) Occupational therapy personnel shall take responsibility for maintaining competence by participating in professional development and educational activities.

2) Occupational therapy personnel shall perform their duties on the basis of accurate and current information.

3) Occupational therapy practitioners shall protect service recipients by ensuring that duties assumed by or assigned to other occupational therapy personnel are commensurate with their qualifications and experience.

4) Occupational therapy practitioners shall provide appropriate supervision to consult with other service providers when additional knowledge and expertise are required.

5) Occupational practitioners shall refer recipients to other

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service providers or consult with other service providers when additional knowledge and expertise are required.

d) Occupational therapy personnel shall comply with laws and rules in relation to the profession of occupational therapy.

1) Occupational therapy personnel shall understand and abide by local, State and federal laws and institutional rules.

2) Occupational therapy personnel shall require those they supervise in occupational therapy activities to adhere to the professional conduct rules established in this part.

3) Occupational therapy personnel shall accurately record and report all information related to professional activities.

e) Occupational therapy personnel shall provide accurate information about occupational therapy services.

1) Occupational therapy personnel shall accurately represent their qualifications, education, experience, training and competence.

2) Occupational therapy personnel shall disclose to recipients any affiliations that may pose a conflict of interest.

3) Occupational therapy personnel shall refrain from using or participating in the use of any form of communication that contains false, fraudulent, deceptive, or unfair statements or claims.

f) Occupational therapy personnel shall treat colleagues and other professionals with fairness, discretion and integrity.

1) Occupational therapy personnel shall safeguard confidential information about colleagues and staff.

2) Occupational therapy personnel shall accurately represent the qualifications, views, contributions and findings of colleagues.

g) Pursuant to Section 19(8) of the Act, the Department hereby incorporates by reference the Occupational Therapy Code of Ethics of the American Occupational Therapy Association, 4720 Montgomery Lane, P.O. Box 31220, Bethesda, Maryland 20824, July 1994, with no later amendments or editions.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Child Support Enforcement2) Code Citation: 89 Ill. Adm. Code 1603) Section Numbers: Adopted Action:

160.10 Amendment
 160.20 Amendment
 160.60 Amendment
 160.61 Amendment
 160.65 Amendment
 160.70 Amendment
 160.75 Amendment
 160.88 New Section
 160.110 Amendment
 160.130 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]5) Effective Date of Amendments: January 22, 19996) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998 (22 Ill. Reg. 16966)10) Has JCAR issued a Statement of Objections to these rules? No11) Differences Between Proposal and Final Version: The following changes have been made in the text of the proposed rulemaking.

Throughout these amendments, the italics have been removed from "de novo".

Section 160.10

In subsections (a) and (a)(3), "U.S.C." has been changed to "USC".

In subsection (a)(12), "459A" has been changed to "Section 459A".

Section 160.20

In subsections (b)(1), (b)(2)(A) and (b)(2)(B)(i), all occurrences of

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"which" have been changed to "that".

At the end of subsection (b)(2)(B), the period has been changed to a colon.

Section 160.60

In subsection (a)(5)(A), a comma has been added after "limited to".

In subsection (c), "Subsection (d)" has been changed to "subsection (d)".

In subsections (c)(2)(B) and (D), "which" has been changed to "that".

In subsections (c)(3)(11)(A) and (B), the comma after "support order" has been deleted.

In subsection (c)(3)(11)(C), a comma has been added after "this Section" and the ILCS citation for the Illinois Marriage and Dissolution of Marriage Act has been changed to "[750 ILCS 5/510 and 505]".

At the end of subsection (d)(5)(F), "and" has been stricken.

In subsection (d)(5)(G), the ILCS citation for the Administrative Review Law has been changed to "[735 ILCS 5/Art. III]".

At the end of subsection (e)(2)(H), "and" has been stricken.

Section 160.61

In subsections (b)(3)(B), (b)(4)(B), (b)(5)(B) and (b)(6)(B), "birthrate" has been changed to "birthdate".

In subsections (e)(2) and (3), "this subsection" has been changed to "this subsection (e)".

Section 160.65

In subsection (g)(2)(C)(i), "which" has been changed to "that".

In the last sentence in subsection (g)(2)(C)(ii), a comma has been added after "the hearing" and "which" has been changed to "that".

In subsections (i)(3) and (4) and subsections (j)(2)(A) and (B), each occurrence of "days of" has been changed to "days after".

Section 160.70

In subsection (c)(1), "U.S.C." has been changed to "USC".

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In subsection (c)(10)(B), "Other" has been changed to "other".

Subsection (g)(2)(C)(iv) has been revised to read: "include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien."

In subsections (j)(1), (2), (3) and (4), all occurrences of "State" have been changed to "state".

In subsection (j)(2), a comma has been added after "means that".

In subsection (j)(3), the comma after "The Department" has been deleted, the comma after "order" has been changed to a period, and the next word, "the", has been capitalized.

In subsection (j)(4), "section" has been changed to "Section".

Section 160.88

In subsection (a)(2), the ILCS cites have been changed as follows: the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5]; the Non-Support of Spouse and Children Act [750 ILCS 15]; the Uniform Interstate Family Support Act [750 ILCS 22]; and the Illinois Parentage Act of 1984 [750 ILCS 45].

In subsection (d), "wherein" has been changed to "where".

In subsection (g), a comma has been added after "establish".

In subsection (g)(2), "state" has been changed to "state".

Section 160.110

In subsection (c), "obligation which" has been changed to "obligation that".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? Yes

14) Are there any other amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

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160.30 Amendment March 21, 1998 (22 Ill. Reg. 3423)
160.62 Amendment March 21, 1998 (22 Ill. Reg. 3423)

15) Summary and Purpose of Amendments: These amendments to the Department's administrative rules concerning child support enforcement are required for compliance with federal requirements under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and the Balanced Budget Act of 1997, and implementation of program changes pursuant to Public Act 90-790. The amendments include the following changes:

Assignment of Rights to Support

These amendments provide that for an assignment entered into prior to October 1, 1998, the applicant assigns to the Department all support that accrued prior to receiving public assistance, and all support that accrues during such assistance. For assignments entered into on or after October 1, 1998, support accrued during an applicant's receipt of assistance is assigned to the Department regardless of the method by which such support is collected. However, for such assignments entered into on or after October 1, 1998, support accrued before receipt of assistance is assigned to the Department only until the family ceases to receive assistance if that support is collected by a method other than federal income tax refund offset. The total amount of support assigned cannot exceed the cumulative amount of assistance provided during all periods of assistance.

Administrative Support and Paternity Process

These changes provide the client with an appeal right regarding the Department's administrative paternity and support orders (currently, only the non-custodial parent can appeal such orders), and allow for petitions to vacate administrative orders by either party. The changes also provide for the serving of administrative orders on the non-custodial parent by regular mail; allow the Department to register another state's order administratively for purposes of enforcement and modification under the Uniform Interstate Family Support Act; provide that administrative process cases may be transferred within the State without the need to repetition or reacquire jurisdiction; and provide for the treatment of foreign child support orders as Title IV-D child support cases.

High Volume, Automated Administrative Enforcement in Interstate Cases

These changes regarding high volume, automated administrative enforcement in interstate cases are required by PRWORA and the federal Balanced Budget Act. The changes require Illinois to respond to requests from other states to use lien and levy and financial institution data match to collect from assets in this State and require Illinois to make such requests to other states.

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Fraudulent Transfers

These amendments clarify current language in the rules concerning the voiding of fraudulent transfers done to evade payment of child support.

Income Withholding

Amendments on income withholding to secure payment of support add a definition on "business day" in accordance with PRWORA's definition. The changes also require Income Withholding Notices (IWN) served on employers to contain the signature of the obligee or printed name and phone number of the public office serving the IWN and require IWN to contain date of entry of underlying order for support. Further changes require that when IWN is served on the payor of income, a copy with proof of service must be filed with the circuit clerk and will delete the requirement that the IWN contain a computation of the delinquency.

State Case Registry

These amendments establish an automated State Case Registry to contain records concerning child support orders. The Registry will contain extensive information about cases, children, support orders and payments for all IV-D cases and support order information for all non-IV-D orders entered on or after October 1, 1998.

Distribution of Support for Former Recipients

These changes provide that collections made by the Department representing current support payable to a former recipient family prior to receipt of assistance shall be paid to the former assistance family unless the collection was made through federal income tax offset.

Distribution of Intercepted Federal Income Tax Refunds

These changes conform with the provisions concerning assignment of support rights and amounts collected by federal income tax refund offset.

BUDGETARY EFFECT

There will be some increase in expenditures related to increased numbers of hearings as a result of allowing IV-D clients to appeal administrative paternity and support decisions. However, the actual budgetary impact cannot be determined at this time.

The anticipated budgetary impact of the State Case Registry provisions for fiscal year 1999 is approximately \$500,000 for system modifications.

The potential budgetary impact on the Child Support Enforcement Trust Fund

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resulting from these changes includes the cost of system modifications due to changes in the child support distribution process and a reduction in assigned support monies that will be due the Department under the new assignment rules, thereby reducing retained TANF collections. The Department anticipates a cost of \$500,000 for this system modification in fiscal year 1999. The extent of loss concerning the decrease in assigned support monies is not known at this time.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
Telephone: (217) 524-0081

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

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SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

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SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

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160.70 Enforcement of Support Orders
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SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

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160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

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160.100 Distribution of Child Support for TANF Recipients
160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130 Distribution of Intercepted Federal Income Tax Refunds and Other State Payments
160.132 Distribution of Child Support for Non-TANF Clients
160.134 Distribution of Child Support for Interstate Cases
160.136 Distribution of Child Support Collected in IV-E Foster Care Maintenance Cases
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SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section
160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4269, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13

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111. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17866, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2919, effective JAN 22 1999.

SUBPART A: GENERAL PROVISIONS

Section 160.10 Child Support Enforcement Program

- a) Under Title IV-D of the Social Security Act (42 USC 8-S-e- 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:
 - 1) children receiving Temporary Assistance for Needy Families (TANF);
 - 2) children receiving AFDC MANG;
 - 3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 USC 8-S-e- 670 et seq.);
 - 4) children of applicants for TANF where the caretaker or specified relative is the putative father or relative of the putative father;
 - 5) children of applicants for TANF, where the mother and putative father of the children born out of wedlock are living together;
 - 6) children of applicants for TANF, where the caretaker relative is reappling for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously canceled ~~canceled~~;

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- 7) a spouse or former spouse when the former spouse/spouse lives with the child;
 - 8) former AFDC and TANF recipients following AFDC and TANF cancellation pursuant to subsection (g) of this Section;
 - 9) persons not receiving TANF, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for such services;
 - 10) persons receiving AFDC MANG that previously received AFDC or TANF cash assistance; and
 - 11) persons similarly situated to subsections (a)(1) through (10) above and receiving Title IV-D support services in other states; and
 - 12) persons similarly situated to those described in subsections (a)(1) through (10) above and receiving support services in other countries or subdivisions thereof which have been declared to be foreign reciprocating countries by the Secretary of State under Section 459A of the Social Security Act (42 USC 659A).
- b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.
- c) The Division of Child Support Enforcement has sole responsibility for:
- 1) identifying and locating the absent parent;
 - 2) establishing the parentage of a child born out of wedlock;
 - 3) establishing support obligations;
 - 4) enforcing and collecting support;
 - 5) receiving and distributing support payments;
 - 6) maintaining accurate records of location and support activities; and
 - 7) advising the local office of circumstances which may affect the family's eligibility for TANF or AFDC MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).
- d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.
- e) The Department shall explain to each TANF applicant or recipient his or her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of noncooperation.
- f) Whenever a family ceases to receive TANF cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing

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fees) and distribution policies. (45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) (1989))

g) Whenever a family ceases to receive AFDC MANG assistance:

- 1) if the family previously received TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section; or
- 2) if the family did not previously receive TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section.

(Source: Amended JAN 22 1990 at 23 Ill. Reg. 2313, effective

Section 160.20 Assignment of Rights to Support

a) By accepting financial aid under the Public Aid Code, a spouse or a parent or other person having custody of a child shall be deemed to have made assignment to the Department of any and all rights, title, and interest in any support obligations up to the amount of assistance provided. The rights to support assigned to the Department shall constitute an obligation owed to the State by the person who is responsible for providing the support, and shall be collectible under all applicable processes (Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1] (111-Rev-Stat-1989, ch. 23, par. 10-1)).

b) Notwithstanding the authority cited in subsection (a) of this Section, the following provisions shall apply:

1) For an assignment entered into prior to October 1, 1998, the applicant assigns the Department all rights that have previously accrued and that accrue prior to the family leaving assistance.

2) For an assignment first entered into on or after October 1, 1998:

- A) With respect to any support collections by federal income tax refund offsets, the applicant assigns the Department all rights that have previously accrued and that shall accrue prior to the family leaving assistance; and
- B) With respect to any support collections by other than federal income tax offset:

- i) The applicant assigns to the Department any support rights that accrue and will accrue that the family is receiving assistance; and
- ii) The applicant temporarily assigns to the Department

all rights to support that accrued prior to the family receiving assistance, such assignment to be in effect only until the family ceases to receive assistance.

c) The amount of support assigned to the Department shall not exceed the cumulative amount of unreimbursed assistance provided to the family during all periods of assistance.

d) For an explanation of assignment of medical support, see 89 Ill. Adm. Code 112.54, Assignment of Medical Support Rights and also 89 Ill.

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Adm. Code 120.319, Assignment of Rights to Medical Support and Collection of Payments.

(Source: Amended JAN 22 1990 at 23 Ill. Reg. 2313, effective

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section 160.60 Establishment of Support Obligations

a) Definitions

1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.

2) "Service" or "Served" means notice given by certified mail, return receipt requested, or by any method provided by law for service of summons. (See Sections 2-203 and 2-206 of the Civil Practice Law [735 ILCS 5/2-203 and 2-206].)

3) "Support Statutes" means the following:

- A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
- B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
- C) The Non-Support of Spouse and Children Act [750 ILCS 15];
- D) The Uniform Interstate Family Support Act [750 ILCS 22];
- E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
- F) Any other statute in another state which provides for child support.

4) "Retrospective support" means support for a period prior to the date a court or administrative support order is entered including for reimbursement of cash assistance furnished by the Department to the custodial parent and/or children prior to the determination of support.

5) "Child's needs" means the cost of raising a child as detailed by either:

- A) the custodial parent's statement of the associated costs including, but not limited to, providing a child with food, shelter, clothing, schooling, recreation, transportation and medical care; or
- B) the Department's standard for the costs of raising a child taking into account average actual costs of providing a child with food, shelter, clothing, schooling, recreation, transportation and medical care in a manner consistent with health and well being as set forth in this part.

b) Responsible Relative Contact

- 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible

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relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.

- B) The purpose of contact and interview shall be to obtain relevant facts including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.

- 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:

- A) the Title IV-D case name and identification number;
 B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 C) that the responsible relative has a legal obligation to support the named persons;
 D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 E) that the responsible relative should bring specified information regarding his income and resources to the interview.

- 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

- 1) In cases handled under subsection (d) of this Section, the Family Support Specialist shall determine the amount of child support and enter an administrative support order on the following basis:

~~The Department shall use the guidelines set forth below to determine the financial ability of responsible relatives to provide support in Title IV-D cases.~~

- 2) ~~The minimum amount of child support to be established shall be determined as follows:~~

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

- A) ~~3) "Net Income" is the total of all income from all sources, minus the following deductions:~~

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- ~~i) 1) Federal income tax (properly calculated withholding or estimated payments);~~

- ~~ii) 2) State income tax (properly calculated withholding or estimated payments);~~

- ~~iii) 3) Social Security (FICA payments);~~

- ~~iv) 4) Mandatory retirement contributions required by law or as a condition of employment;~~

- ~~v) 5) Union dues;~~

- ~~vi) 6) Dependent and individual health/hospitalization insurance premiums;~~

- ~~vii) 7) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;~~

- ~~viii) 8) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;~~

- ~~ix) 9) Medical expenditures necessary to preserve life or health; and~~

- ~~x) 10) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.~~

- ~~B) 11) The deductions in subsections (c)(1)(A)(viii), (ix) and (x) (1) (3) (4) (5) (6) (7) (8) (9) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative or request the court to enter support orders which contain provisions for an automatic increase in the support obligation upon termination of such payment period.~~

- 2) In de novo hearings provided in subsection (d)(5)(G) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:

- i) Federal income tax (properly calculated withholding or estimated payments);

- ii) State income tax (properly calculated withholding or estimated payments);

- iii) Social Security (FICA payments);

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- iv) Mandatory retirement contributions required by law or as a condition of employment;
- v) Union dues;
- vi) Dependent and individual health/hospitalization insurance premiums;
- vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
- viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
- ix) Medical expenditures necessary to preserve life or health; and
- x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (C)(2)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- C) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- i) the financial resources and needs of the child;
 - ii) the financial resources and needs of the custodial parent;
 - iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - iv) the physical and emotional condition of the child, and his educational needs; and
 - v) the financial resources and needs of the non-custodial parent.
- D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 3) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the amount of child support due in accordance with Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].
- 5) the above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be

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- ~~inappropriate--after--considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:~~
- A) ~~the financial resources and needs of the child;~~
 - B) ~~the financial resources and needs of the custodial parent;~~
 - C) ~~the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;~~
 - D) ~~the physical and emotional condition of the child, and his educational needs; and~~
 - E) ~~the financial resources and needs of the non-custodial parent.~~
- 6) ~~Each order requiring support which deviates from the guidelines shall state the amount of support that would have been required under the guidelines--the reason or reasons for the variance from the guidelines shall be included in the order.~~
- 4) ~~7) All orders for support shall include a provision for the health care coverage of the child. In all cases where health/hospitalization insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health/hospitalization insurance coverage is being provided. However, in Title IV-D non-TANF cases where the client is neither an applicant for nor a recipient of Medical Assistance, the Department shall enter or request such support orders only with the client's consent. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.~~
- 5) ~~8) When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least \$10.00 per month.~~
- 6) ~~9) In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of a court or administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's portion of the cash assistance grant provided, or the amount of the child's needs as defined by subsection (a)(5)(A) or (B) of this Section, whichever is greater.~~
- 7) ~~10) The final order in all cases shall state the support level in dollar amounts.~~

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8) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order, payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:

- A) of any new address of the responsible relative;
- B) of the name and address of any new employer or source of income of the responsible relative;
- C) of any change in the responsible relative's Social Security Number;
- D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
- E) if so, the policy name and number and the names of persons covered under the policy.

10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.

11) The Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support when appropriate.

- A) In cases handled under subsection (d) of this Section, the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the

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child for whom support is ordered, if the child was born out of wedlock).

- B) In de novo hearings provided for in subsection (d)(5)(C) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases where the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.

- C) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. XI, Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].

d) Administrative Process

- 1) Use of Administrative Process

- A) Unless otherwise directed by the Department, the FSS Department-FSS's shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
- ii) alleged paternity and support is sought from the mother;
- iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
- iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and
- v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.

- B) In addition to those items specified in subsection (b)(2) of

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this Section, the notice of support obligation shall inform the responsible relative of the following:

- i) that the responsible relative may be required to pay retroactive support as well as current support; and that he may be liable for reimbursement of public assistance furnished to the named persons prior to determination of the ability to support; and
 - ii) that in its initial determination of child support under subsection (c), the Department will only consider factors listed in subsections (c)(1)(A)(i) through (c)(1)(A)(x) of this Section; and
 - iii) that the Department will enter an administrative support order based only on those factors listed in subsections (c)(1)(A)(i) through (c)(1)(A)(x) of this Section; and
 - iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
 - v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]; and
 - vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and
 - vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to

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determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section. In cases where cash assistance was provided to the custodial parent and/or children during the period prior to entry of the administrative support order, and the net income of the responsible relative cannot be determined because of default or any other reason, the FSS shall order the responsible relative to pay retroactive support for the prior period in the amount of the cash assistance provided, as specified in subsection (c)(9) of this Section. In administrative process cases, the period prior to the entry of the administrative support order shall commence with the parties' separation unless the child was born out of wedlock and paternity was determined under Section 160-6i or under Section 12 of the Vital Records Act [410 ILCS 535/12], in which case such period shall commence with the child's birth.

3) Failure to Appear

- A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5) of this Section furnished by affidavit of the IV-B client, or the child's portion of the cash assistance grant, whichever is greater. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.
- B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or
 - ii) income exceeds that reported by the relative.
- C) The FSS will not issue a subpoena under subsection (d)(3)(B)

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of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.

- D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1) of this Section seek establishment of support obligations through the judicial process pursuant to subsection (e) of this Section.

- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22]. Registration of Order of Another State
- A) The FSS shall register a support order entered by a court or administrative body of any other state referred for establishment and enforcement of an Illinois support obligation on behalf of persons receiving Title IV-B services from such state upon receipt of the following:
- i) a request that another state's support order be administratively registered to effect interstate income withholding;
 - ii) the referring state's IV-B case name and identification number;
 - iii) the names and birthdates of the persons for whom support is ordered;
 - iv) a certified copy of the support order with all modifications;
 - v) a certified copy of an order for withholding, if any, still in effect;
 - vi) a certified copy of the payment record, if there is no payment record, an affidavit attesting to the amount of arrears which has accrued under the support order;
 - vii) the name, address, and social security number of the responsible relative; and
 - viii) the name and address of the responsible relative's employer or any other source of income of the relative

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- from which withholding may be effected, if known.
- B) When registered such order shall become an administrative support order of the Department. The FSS shall enter a separate administrative support order of the Department which shall contain the terms of the registered order.
- 5) An administrative support order shall include the following:
- A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;
 - E) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;
 - F) the manner in which support payments are to be made; and
 - G) a statement informing the client and the responsible relative that he has 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2) of this Section, except that for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accordance with provisions of the Administrative Review Law [735 ILCS 5/Art. III]; and
 - H) except where the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) of this Section and that in order to have the Department consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order.
- 6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department FSS shall also prepare and serve income withholding notices after entry of an administrative support

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order and effect income withholding in the same manner as prescribed in Section 160.75.

- 7) The Department ~~FSR~~ shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days after entry of such order, by:

A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgment ~~acknowledgement~~ of receipt signed by the client or relative or an affidavit of delivery signed by the Department's representative ~~FSR~~ shall be sufficient for purposes of notice to that person.

B) regular ~~certified~~ mail to the party not receiving personal delivery where the relative fails or refuses to accept delivery, where either party does not attend the interview, or the orders are entered by default.

C) service in the case of registration of the support orders of another state. A copy of such state's orders shall be served with those of the Department.

- 8) In any case where the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process. ~~The FSR shall provide to each Title IV-D client a copy of each administrative support order within 14 days after entry of such order.~~

e) Judicial Process

- 1) The Department ~~FSR's~~ shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), in those wherein the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D) of this Section, and as otherwise determined by the Department.

- 2) The Department ~~FSR~~ shall prepare the transmit pleadings and obtain or affix appropriate signature thereto which pleadings shall include, but not be limited to, petitions to:

- A) intervene;
- B) modify;
- C) change payment path;
- D) establish an order for support;
- E) establish retroactive support;

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- F) establish past-due support;
- G) establish parentage;
- H) obtain a rule to show cause; and
- I) enforce judicial and administrative support orders; and
- J) combinations of the above.

(Source: Amended at 23 Ill. Reg. 2313, effective JAN 24 1990)

Section 160.61 Uncontested and Contested Administrative Paternity and Support Establishment

a) Definitions

- 1) "Combined paternity index" means a statistic, stated as an odds ratio in a report of genetic testing results, giving the likelihood that the man having undergone the testing is the father of the child relative to the chance that the father is another (unrelated random) man from the same racial background.
- 2) "Genetic testing" means deoxyribonucleic acid (DNA) tests.
- 3) "Service" or "Served" means notice given by personal service, certified mail, return receipt requested, or by any method provided by law for service of a summons. (See Sections 2-203 and 2-206 of the Civil Practice Law [735 ILCS 5/2-203 and 2-206].)
- 4) "Non-marital child", as used in this Section and Section 160.62, means a child born out of wedlock for whom paternity has not been established.
- 5) "Alleged father", as used in this Section and Section 160.62, means a man alleged to be the father of a non-marital child.
- 6) "Presumed father" shall have the meaning ascribed to that term in the Illinois Parentage Act of 1984 [750 ILCS 45].

b) Uncontested Administrative Paternity Process

- 1) Except as otherwise determined, the Department ~~FSR's~~ shall establish a man's paternity of a child through the administrative process set forth in this Section, in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- A) a non-marital child and support is sought from the alleged father;
- B) a non-marital child who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
- C) presumed paternity as set forth in Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45(a)(1) and (2)] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers as set forth in

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this Section.

2) Contact with Responsible Relatives

A) Following the IV-D client interview, the Department shall contact and interview:

- i) alleged fathers to establish paternity and support obligations; and
- ii) mothers to establish an alleged father's paternity of a child (where the alleged father or a caretaker relative other than the mother has physical custody of the child) and to establish the support obligation of the alleged father, the mother, or both.

B) The purpose of contact and interview shall be to obtain relevant facts including information concerning the child's paternity and responsible relative income information (for example, paycheck stubs, income tax returns) necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.

3) At least ten working days in advance of the interview, the Department shall serve upon or provide to the alleged father from whom child support is sought, by ordinary mail, a notice of alleged paternity and support obligation ~~by-ordinary-mail; to-the alleged-father--from--whom-child-support-is-sought~~, which notice shall contain the following:

- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the alleged father may be represented by counsel;
 - E) that the alleged father should bring specified information regarding his income and resources to the interview;
 - F) that upon failure of the alleged father to appear for the interview, administrative paternity and support orders may be entered against him by default; and
 - G) that the alleged father may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child.
- 4) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation ~~to-the-child's-mother-by-ordinary-mail~~, when a man has been alleged to be the father of the child, the alleged father has physical custody of the child, and support is sought from the mother. The notice shall contain the following:

- A) the Title IV-D case name and identification number;

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B) the name and birthdate of the non-marital child;

C) that the mother has a legal obligation to support the child; the date, time, place and purpose of the interview and that the mother may be represented by counsel;

E) that the mother should bring specified information regarding her income and resources to the interview;

F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;

G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and

H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:

- i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and

ii) the Department may enter an order finding the alleged father to be the father of the child.

5) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation ~~to-the-child's-mother-by-ordinary-mail~~, when a man has been alleged to be the father of a child, an adult other than a parent of the child has physical custody of the child, and support is sought from the mother and the alleged father. The notice shall contain the following:

- A) the Title IV-D case name and identification number;
- B) the name and birthdate of the non-marital child;
- C) that the mother has a legal obligation to support the child; the date, time, place and purpose of the interview and that the mother may be represented by counsel;
- E) that the mother should bring specified information regarding her income and resources to the interview;
- F) that the mother may be ordered to pay current support, retroactive support, and to provide health insurance coverage for the child;
- G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
- H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek an administrative or court determination of financial

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ability based upon the guidelines; and

- ii) the Department may enter an order finding the alleged father to be the father of the child on the basis of genetic testing.

- 6) Where the man alleged to be the father of a child is different from a man presumed to be the father under Section 5(a)(1) and (2) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(a)(1) and (2)], the Department #SS shall send a notice to the presumed father which shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the child's name and birthdate;
 - C) the name of the child's mother;
 - D) that the man to whom the notice is directed has been identified as the child's presumed father;
 - E) that another man has been alleged to be the child's father, and the name of that alleged father;
 - F) that the Department has scheduled an interview with the alleged father for the purpose of determining the child's paternity, and the date, time and place of the interview (the date of the interview shall not be less than ten working days after the date of the notice to the presumed father);
 - G) that if the presumed father fails to appear at the interview to assert his rights as the presumed father, the Department may enter an administrative order finding the alleged father to be the child's father on the basis of genetic testing, or if the alleged father and the child's mother voluntarily sign an acknowledgment that the alleged father is the father of the child; and
 - H) that counsel may accompany the presumed father to the interview.

7) The Department shall notify each Title IV-D client of the date, time and place of the alleged father interview and that the client may attend if the client chooses.

- 8) In cases involving a non-marital child:
 - A) The Department #SS shall provide the alleged father and the child's mother an opportunity to establish paternity by voluntarily signing an acknowledgment of paternity (and, in a case in which there is also a presumed father, an opportunity for the mother and the presumed father to sign a denial of paternity), after being provided with information concerning the implications of signing the acknowledgment (and denial), including parental rights and responsibilities of child support, retroactive support, health insurance coverage, custody, and visitation, the right to obtain and agree to be bound by the results of genetic testing, and the right to deny paternity and obtain a contested hearing.
 - B) The Department #SS shall enter and, within 14 days after

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entry, serve or mail the parties a copy of an administrative paternity order finding the alleged father to be the father of the child in the following circumstances. An acknowledgment of receipt signed by the client or relative or an affidavit of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person. The Department shall enter the order where:

- i) the alleged father and the child's mother (and any presumed father) have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 500 to 1;
- ii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
- iii) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
- iv) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1;
- v) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him (or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing) in a case where an adult other than a parent of the child has physical custody of the child;
- vi) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, and the alleged father and the child's mother have voluntarily signed an acknowledgment that the alleged father is the father of the child after being provided with information concerning the legal implications of signing such an acknowledgment;

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- vii) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother, and the alleged father have voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 500 to 1; or
- viii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him, and the presumed father fails to appear in response to the Department's notice to presumed father served upon the presumed father.

- C) The Department ~~FS~~ shall make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father.
- 9) An agreement to be bound by the results of genetic testing under subsection (b)(8)(B) of this Section shall not be valid where the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the agreement to be bound by the results of genetic testing, except where the mother or alleged father is either emancipated or head of his or her own household with the child for whom paternity is being determined.

- 10) A party aggrieved by entry of an ~~man~~ ~~against whom a default~~ administrative paternity order ~~has been entered~~, pursuant to subsection (b)(8) ~~(b)(8)(b)(i)-(b)(8)(b)(iv) or (b)(8)(b)(v)-(b)(8)(b)(viii)~~ of this Section, may have the order vacated if, within 30 days after being served with the order, the party he appears in person at the office to which he or she was given notice to appear for an interview pursuant to subsection (b)(3) of this Section and files a written request for relief from the order. The Department ~~FS~~ shall then proceed with the establishment of paternity under this Section. A ~~party~~ ~~man~~ may obtain relief under this subsection only once in any proceeding to establish paternity.

- 11) The child's mother or the alleged father may void the presumption of paternity created by voluntarily signing an acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12] by signing a rescission of paternity and filing it with the Department by the earlier of:

- A) 60 days after the date the acknowledgment of paternity was signed; or
- B) the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the mother or the alleged father is a party.

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- 12) If the mother or alleged father signs a rescission of paternity, the Department ~~FS~~ shall process the case under this subsection (b).
- c) Contested Paternity Hearing Officers and Support Establishment and Contingency Demonstration Program
- 1) The Department shall conduct a demonstration program for administrative paternity and support establishment and continued eligibility for custodial parents of a non-marital child who are applicants for or recipients of cash assistance under Articles IV, V, and VI of the Illinois Public Aid Code.
- 2) The demonstration program shall be implemented statewide with applicants and recipients in McLean County randomly assigned to one of the three following groups:
- A) an experimental treatment group which will be subject to the provisions of Section 160-62;
- B) a non-experimental treatment group which will also be subject to the provisions of Section 160-62; and
- C) a control group which will be subject to the provisions of Section 160-30.
- 3) Applicants and recipients in all counties other than McLean County shall be assigned to the non-experimental treatment group and subject to the provisions of Section 160-62.
- 4) In demonstration program cases in which paternity is uncontested, the Department shall establish paternity in accordance with subsection (b) of this Section.

- 1)5) Except as otherwise directed by the Department or provided for in this Part, Demonstration program cases in which paternity is contested shall be referred to Department hearing officers to administratively determine paternity. The Department shall provide the alleged father (and any presumed father) with notice and opportunity to contest paternity at a hearing to determine an administrative hearing as well as inform the alleged father of any presumed father of his right to demand a judicial determination of the existence of the father and child relationship. The notice and any administrative hearing shall be governed by 89 Ill. Adm. Code Sections 104.200 through 104.295. Any administrative support order shall be established in accordance with Section 160.60.

- 2)6) Notice shall be given to served on all parties in the manner provided for service of a notice of alleged paternity and support obligation under subsections (a) and (b) of this Section or, where necessary, by publication in cases in which the whereabouts of a party or parties are unknown after diligent location efforts by the Department. Where service is by publication, the notice shall be published at least once in each week for three consecutive weeks in a newspaper published in the county in which the administrative proceeding is pending. If there is no newspaper published in that county, then the publication shall be

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in a newspaper published in an adjoining Illinois county having a circulation in the county in which the administrative proceeding is pending. In addition, where service is by publication, the date of the interview stated in the notice shall not be less than 30 days after first publication of the notice.

3) ~~7~~ The Department shall enter default paternity determinations in contested administrative ~~demonstration-program~~ cases as provided for under subsection (b) of this Section. However, where notice of the administrative proceedings was served on a party by publication under subsection (c)(6) of this Section, a notice of default paternity determination shall be published in the same manner. The notice of default paternity determination shall contain the information required in an administrative paternity order under subsection (d) of this Section, except that where determination shall not include the mother's and father's Social Security numbers, and shall include a statement of the following in lieu of a statement that the order is a final and binding administrative decision:

A) that the man determined to be the child's father may bring a petition in the circuit court for relief from the administrative paternity determination on the same grounds provided for relief from judicial judgments under Section 2-1401 of the Code of Civil Procedure [735 ILCS 5/2-1401];

B) that such a petition must be filed no later than two years after the notice of default paternity determination was published; and

C) that allegations made in such a petition without reasonable cause that are found to be untrue by the circuit court may subject the petitioner or his attorney, or both, to the payment of reasonable costs and attorney's fees incurred by the Department in defending against the petition.

8) ~~In those cases in which the alleged father or presumed father has requested that the court determine the existence of a father and child relationship, the Department shall refer the case for judicial action to establish paternity and support in accordance with subsection (f) of this Section:~~

4) ~~9~~ The Department shall not proceed to establish paternity administratively under subsection (c) of this Section the demonstration-program in those cases wherein the court has acquired jurisdiction previously, the alleged or presumed father has requested that the court determine the existence of a father and child relationship, or the custodial parent claims good cause for failing to cooperate in the establishment of paternity and is found to be exempt from cooperating as set forth in Section 160.35.

5) ~~10~~ In any case where the administrative paternity process has been initiated for the custodial parent and the non-marital child, and

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the custodial parent and the non-marital child move outside the original ~~demonstration-program~~ county, the paternity determination case shall remain in the original ~~demonstration~~ county of venue unless a transfer to another the county of proper venue ~~in which the non-custodial parent and the non-marital child reside~~ is requested by either party, and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative paternity process ~~the custodial parent in writing, within ten days after the move outside the original demonstration county.~~

d) An administrative paternity order, whether entered under subsection (b) or subsection (c) of this Section, shall include the following:

1) the Title IV-D case name and identification number;

2) the name and birthdate of the child for whom paternity is determined;

3) the alleged father's name and his Social Security number, if known;

4) the mother's name and her Social Security number, if known;

5) a finding that the alleged father is the father of the child, and a statement indicating how paternity was determined (for example, agreement to be bound by the results of genetic testing, default, contested hearing);

6) except in cases in which paternity is administratively determined under subsection (b)(8)(B)(ii), (b)(8)(B)(v) or (b)(8)(B)(viii) of this Section, or in a contested hearing under subsection (c) of this Section, a statement informing the client and responsible relative that each he has 30 days from the date of mailing (or delivery at the interview) of the administrative paternity order to petition the Department for release from the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.105;

7) in cases in which paternity is administratively determined by default under subsection (b)(8)(B)(ii), (b)(8)(B)(v) or (b)(8)(B)(viii) of this Section, a statement informing the client and responsible relative of the relief available pursuant to subsection (b)(10) of this Section; and

8) in cases in which paternity is administratively determined in a contested hearing under subsection (c) of this Section, a statement informing the responsible relative that the order is a final and binding administrative decision, and whether the order is reviewable only under the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

e) Petitions For Release - Extraordinary Remedies

1) Notwithstanding the statements required by subsection (d) of this Section, more than 30 days after entry of an administrative paternity order under subsection (b) or (c) of this Section, a party aggrieved by entry of an administrative paternity order may petition the Department for release from the order.

2) Petitions under this subsection (e) must:

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- A) Cite a meritorious defense to entry of the order.
- B) Cite the exercise of due diligence in presenting that defense to the Department.
- C) Be filed no later than two years following the entry of the administrative paternity order, except that times listed below shall be excluded in computing the two years:
- i) time during which the person seeking relief is under legal disability;
 - ii) time during which the person seeking relief is under duress; and
 - iii) time during which the ground for relief is concealed from the person seeking relief.

D) Be supported by affidavit or other appropriate showing as to matters not supported by the record.

- 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent by certified mail, return receipt requested or by any manner provided by law for service of process. The filing of a petition under this subsection (e) does not affect the validity of the administrative paternity order.

f) When the paternity of a child has been administratively established under subsection (b) or (c) of this Section, the Department shall enter an administrative support order under the process set forth in Section 160.60.

g) In cases in which a final administrative determination of paternity is pending, but there is clear and convincing evidence of paternity based upon the results of genetic testing and upon motion of a party, the Department shall enter a temporary order for support in the manner provided for in Section 160.60.

h) The Department shall notify the Department of Public Health of final administrative paternity determinations, voluntary acknowledgments of paternity, denials of paternity and rescissions of paternity.

i) In cases in which a child's certificate of birth is on file in a state other than Illinois and any of the circumstances stated below occur, the Department shall forward to the other state a copy of the final administrative determination of paternity or the voluntary acknowledgment of paternity (and the presumed father's denial of paternity, if applicable) or the rescission of paternity:

- 1) the Department enters a final administrative determination of paternity; or
- 2) the paternity of a child is established by voluntary acknowledgment under Section 12 of the Vital Records Act [410 ILCS 535/12]; or
- 3) the alleged father or the child's mother rescinds a voluntary acknowledgment of paternity under Section 12 of the Vital Records Act [410 ILCS 535/12].

j) Judicial Process. The Department shall refer Title IV-D cases for judicial action to establish a child's paternity and a responsible

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relative's support obligation pursuant to the Illinois Parentage Act of 1984 [750 ILCS 45], the Revised Uniform Reciprocal Enforcement of Support Act [750 ILCS 20] or the Uniform Interstate Family Support Act [750 ILCS 22], as appropriate, in matters:

- 1) involving contested paternity, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section;
- 2) where the non-marital child was not conceived in Illinois and the alleged father resides in a state other than Illinois;
- 3) where the court has acquired jurisdiction previously; or
- 4) where the results of genetic testing show that the alleged father is not excluded and the combined paternity index is less than 500 to 1, except where the case is appropriate for referral to a Department hearing officer under subsection (c) of this Section, or
- 5) where the alleged or presumed father has requested that the court determine the existence of a father-and-child-relationship-in-a-contested-case-under-subsection (c) of this Section, but only after genetic tests have been ordered and the results have been received in accordance with Section 104-213.

(Source: Amended at 23 Ill. Reg. 2313, effective JAN 22 1990)

Section 160.65 Modification of Support Obligations

a) Definitions

- 1) "Order for support" means any court or administrative order establishing the level of child support due to a child from the responsible relative.
- 2) "Income Withholding Notice" means the notice served on a payor, pursuant to entry of a court or administrative order for support, that directs the payor to withhold a part of a responsible relative's income for payment of child support.
- 3) "Assignment of support" has the meaning set forth in Section 160.5.
- 4) "Assignment of medical support" has the meaning set forth in Section 160.5.
- 5) "Health insurance" means health insurance or health plan coverage for the dependent child for whom support is sought.
- 6) "Review" means the FSS comparison of the responsible relative's current financial ability to the existing order for support, as described in subsection (f) below.
- 7) "Quantitative Standard for Review" means the current financial ability of the responsible relative, as determined through modification review, is at least 20 percent above or below the existing order for support and the change is an amount equal to at least \$10 a month.

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b) Review and Modification of Support Orders

1) The Department, beginning October 13, 1993, shall review child support orders in Title IV-D cases at 36 month intervals after establishment, modification or the last review, whichever was the last to occur, unless:

A) In a case in which there is an assignment of support or an assignment of medical support, the Department determines, in accordance with subsection (b)(3) below, that a review would not be in the best interests of the child and neither parent has requested a review; or

B) In a case in which there is no assignment of support or assignment of medical support, neither parent has requested a review; or

C) In a case in which there is an assignment of medical support but no assignment of support, the order for support requires health insurance for the child covered by the order and neither parent has requested a review.~~7-or~~

~~B) The order is an administrative order for support entered by the Department pursuant to registration of another State's order under Section 160-60(d)(4).~~

2) Prior to the expiration of the 36 month period:

A) The Department, in a case in which there is an assignment of support or an assignment of medical support, shall review the order if:

- i) an order for withholding has been served on the responsible relative's payor, and payments have been received by the Department within the 90 days prior to selection for review; and
- ii) the order for support does not require the responsible relative to provide health insurance for the child covered by the order; and
- iii) the Department has not determined that a review would not be in the best interests of the child.

B) The Department, in a case in which there is no assignment of support or assignment of medical support, shall review orders as set forth in subsection (b)(2)(A), but only with the consent of the client.

C) The Department may review any order for support, unless it has determined that a review would not be in the best interests of the child, whenever a change in financial circumstances of the responsible relative becomes known through representations of the relative or of the client or from independent sources, and such change would materially affect ability to support.

3) The Department shall determine that a review of an order for support would not be in the best interests of the child if there has been a finding of good cause, and it has been determined that support enforcement may not proceed without risk of harm to the

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c) child or caretaker relative.

c) Notice of the Right to Request a Review

1) In each Title IV-D case, the Department shall provide notice not less than once every three years to each parent subject to an order for support in the case. The notice may be included in the order and shall inform the parent of the right to request a review of the order, where to request a review and the information which must accompany a request.

2) The Department shall use the broadcast or print media at least twice a calendar year to publicize the right to request a review as part of the child support enforcement program, and include notice of this right as part of the information on IV-D services contained in its brochures, pamphlets and other printed materials describing the program.

d) Notice of Review

1) The Department shall notify the client and responsible relative that a review will be conducted at least 30 days before commencement of the review.

2) The notice of review shall:

A) Require completion of a form financial affidavit and return of the affidavit to the Department within 15 calendar days after the date the client or relative received the notice; and

B) State that if, as a result of the review, action is taken to modify the order for support, the Department will order or request the court to order the responsible relative to provide health insurance. However, in cases where the client is not receiving medical assistance, the notice shall state that health insurance may be ordered or requested only with the client's consent, as provided in Section 160.60(c)(7).

e) Information Gathering and Employer Contact

1) The Department shall capture all available responsible relative financial information from existing federal and State sources (for example ~~erg~~, Illinois Department of Employment Security) through electronic data searches on all IV-D cases.

2) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after the relative receives the notice of review, the Department shall send a notice to the responsible relative's employer, in accordance with Section 10-3.1 of the Illinois Public Aid Code [305 ILCS 5/10-3.1]. The notice shall:

- A) require the disclosure of responsible relative employment information, including but not limited to:
 - i) the period of employment;
 - ii) the frequency of wage payments;
 - iii) gross wages, net pay and all deductions taken in reaching net pay;

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- iv) the number of dependent exemptions claimed by the responsible relative; and
- v) health insurance coverage available to the responsible relative through the employer.

B) require employer compliance within 15 calendar days after the employer's receipt of the notice.

- 3) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after receipt of the notice of review, and the relative's employer is unknown, the Department shall use available means for obtaining the relative's financial information, e.g., service of a subpoena upon the responsible relative.

f) Review of the Order for Support

- 1) The FSS shall review any financial information concerning the responsible relative. Where the responsible relative's information is not verified through an employer, wage stubs or income tax returns, the FSS shall seek other verification, e.g., subpoena of the responsible relative's income tax return.

- 2) The FSS shall determine the responsible relative's current financial ability in accordance with the guidelines contained in Section 160.60(c).

- 3) The FSS shall compare the responsible relative's current financial ability to the amount of the existing order for support and determine if the Quantitative Standard for Review has been met.

- 4) The FSS shall determine if health insurance is being provided for the child under the order for support or whether the child's health care needs are being met through other means. In no event shall the FSS consider a child's eligibility for, or receipt of, medical assistance to meet the need to provide for the child's health care needs.

g) Notice of Review Results

The Department shall inform the client and responsible relative of the results of the review and provide a copy of the FSS calculation comparing the responsible relative's current financial ability to the amount of the existing order within 14 days after the review results are determined. The client and responsible relative will be advised whether or not the Department will take action to modify the existing order for support and of the right to contest the determination.

- 1) When the review indicates the Quantitative Standard for Review has not been met, the client and responsible relative, in both judicial and administrative cases, are advised as follows:

- A) The Department will not take action to modify the order for support.
- B) The Department will only take action to modify the order to require health insurance for the child covered by the order.
- C) Either parent may request a redetermination within 30 calendar days after the date of the notice by:

- i) signing and returning the request for a redetermination to the Department; and
- ii) providing financial documentation or information concerning the child's health care needs not furnished previously, which will substantiate the request.

- 2) When the review indicates the Quantitative Standard for Review has been met, the client and responsible relative will be advised that:

- A) The Department will take action to modify the existing order for support in accordance with the review results.
- B) In cases involving the judicial process, each parent will be informed 30 calendar days in advance of the hearing date and will have the opportunity to contest the review results at that time.
- C) In cases where an administrative order for support is entered in accordance with subsection (h) below:

- 1) The client will be advised of the right to request a redetermination within 30 calendar days after the date of mailing of the notice and administrative order for support by signing and returning the request for redetermination to the Department and providing financial documentation or information concerning the child's health care needs not furnished previously which will substantiate the request.

- 2) The client and responsible relative will be advised that he or she has until 30 calendar days after the date of mailing of the administrative order for support in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102. The client will be further advised that he or she may provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.

- 3) Where both the client requests a redetermination and the responsible relative request a hearing, the two requests shall be merged and shall be disposed of simultaneously by the hearing proceeding. The parties shall be advised further of the right to present evidence at the hearing, including the client's right to provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.

- 4) Where the responsible relative requests a hearing and the client does not request a redetermination, the client shall again be advised further of the right to

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present evidence at the hearing.

iv) Where the client requests a hearing redetermination and the responsible relative does not, the request--a hearing--any change--shall--result--in--or have the effect of--the issuance of a new administrative order for support--The responsible relative shall again be advised further of the right to request a hearing--and the client--of--the--right--to present evidence at the hearing.

3) For purposes of calculating the 30 calendar day period in which to petition the Department for release from or modification of the administrative order for support or to request redetermination of the review results, the day immediately subsequent to the mailing of the order or determination shall be considered the first day and the day such request is received by the Department shall be considered as the last day.

h) Further Actions Taken by the Department

1) The Department shall take the following action when the FSS has determined in accordance with subsection (f) above that the Quantitative Standard for Review has been met or when the Quantitative Standard for Review has not been met, but there is a determination that the order for support needs to be modified to require provision of health insurance:

A) In a case involving an order for support entered by the court, the FSS shall:

- i) prepare a petition to modify, and obtain or affix appropriate signature thereto;
- ii) refer the case for legal action to modify the order for support pursuant to Section 510 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510]; and

iii) provide the client and responsible relative with the notice described in subsection (g)(2)(B) above.

B) In a case involving an administrative order for support established under Section 160.60(d), or modified under this rule, the FSS shall enter an administrative order for support incorporating the results of the review and containing the information specified in Section 160.60(d)(5). Any order for health insurance shall be entered in accordance with Section 160.60(c)(7).

- i) The FSS shall effect income withholding in accordance with Section 160.60(d)(6).
- ii) The FSS shall provide to the client and responsible relative copies of the administrative order for support together with the notice described in subsection (g)(2)(C) above.

2) In IV-D cases where the client is neither an applicant for nor a recipient of medical assistance, the Department, with the

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client's consent, shall enter or request the court to enter an order for support requiring the responsible relative to provide health insurance.

3) Upon receipt of a petition for a release from, or modification of, an administrative order for support as described in subsection (g)(2)(C)(ii) within 30 calendar days after the date of mailing of such order, the Department will provide a hearing in accordance with 89 Ill. Adm. Code 104.102. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) above.

4) Upon receipt of a request for a redetermination as set forth in subsections (g)(1)(C) and (g)(2)(C)(i) within 30 calendar days after the date of mailing of the notice, the Department shall conduct such redetermination. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) above.

i) Timeframes for Review and Modification

1) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine within 15 calendar days of October 13, 1993, or the date the order is 36 months old, whichever is later, whether a review should be conducted as provided in subsection (b)(1) above.

2) Subsequent determinations about whether to review an order for support in a case in which there is an assignment of support or an assignment of medical support shall be made by the Department in accordance with subsection (b)(1) above, at 36 month intervals based upon:

- A) the date the order for support was modified; or
- B) the date an order was entered determining that the order for support would not be modified; or
- C) the date the period expired for requesting redetermination of the Department's review decision not to seek modification of the order for support.

3) Within 15 calendar days of receipt of a request for a review, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) above.

4) Within 180 calendar days of determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall:

- A) send the notice of review in accordance with subsection (d) above;
- B) conduct a review of the order in accordance with subsection (f) above;
- C) send the notice of review results in accordance with subsection (g) above; and
- D) conclude any action to modify the order for support.

j) Interstate Review and Modification

- 1) Initiating Cases
 - A) In any case in which there is an assignment of support or an

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assignment of medical support, the Department shall determine, within 15 calendar days of October 13, 1993, or the date the order for support is 36 months old, whichever date occurs later, whether a review should be conducted, as required under subsection (b)(1) above, and whether the review should be conducted by the Department or another state.

B) Subsequent determinations about whether to conduct a review shall be made in accordance with subsection (b)(1) above, at 36 month intervals based upon:

- i) the date the order for support was modified; or
- ii) the date an order was entered determining that the order for support would not be modified; or
- iii) the date the period expired for requesting redetermination of a review decision not to seek modification of the order for support.

C) Within 15 calendar days of receipt of a request for a review, the Department shall determine whether a review should be conducted, as required under subsection (b)(1) above, and whether the review should be conducted by the Department or another state.

D) Prior to the expiration of the 36 month period, the Department:

- i) shall review or request another state to review an order for support under the circumstances set forth in subsections (b)(2)(A) and (B) above; and
- ii) may review or request another state to review an order for support as provided in subsection (b)(2)(C).

E) The Department shall determine in which state a review should be conducted after considering all relevant factors, including but not limited to:

- i) the location of existing order(s);
- ii) the present residence of each party; and
- iii) whether a particular state has jurisdiction over the parties.

F) In any case coming under the provisions of subsections (j)(1)(A), (B) and (C) above, in which the Department has determined to request a review of an order for support in another state, the Department shall:

- i) send a request for review to that state within 20 calendar days of receipt of sufficient information to conduct the review and provide that state with sufficient information on the requestor of review to act on the request; and
- ii) send to the parent in Illinois, a copy of any notice issued by the responding state in connection with the review and modification of the order, within five working days of receipt of such notice by the

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Department.

2) Responding Cases

- A) Within 15 calendar days after of receipt of a request for a review of an order for support in Illinois as the responding state, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1).
- B) Within 180 calendar days after of determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall take the actions specified in subsection (i)(4) above.

(Source: Amended at 23 Ill. Reg. 2313, effective

JAN 22 1993)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

a) Definitions

The definitions contained in Section 160.60(a) are incorporated herein by reference.

b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].

c) Federal and State Income Tax Refunds and Other State Payments

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a] and the Debt Collection Improvement Act of 1996 [31 USC 3701 et seq.]) due such relatives.

2) The Department shall submit past-due support amounts to:

- A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
 - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
 - ii) in IV-D non-TANF cases, past-due support owed to or

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for a minor child in an amount not less than \$500.

- B) the Comptroller to intercept State income tax refunds and other State payments as follows:

- i) in active IV-D cases, past-due support obligation or amount not less than one month's support obligation or \$150, whichever is less;
- ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
- iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for intercept;
- C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and

- D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
- B) an administrative review by any other state in which the

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support order was issued upon which the referral for federal income tax refund intercept of other federal payment offset is based.

- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept of other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

- 8) The Department shall notify:

- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
- B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;
- C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

- 9) The Department shall:

- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:

- A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then

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to satisfy any IV-D non-TANF past-due support; and

B) other federal and State payments in accord with distribution provisions in Subpart F of this Part. ~~State--income--tax refunds--and-other-State-payments-to-satisfy-any-active-IV-B-TANF-and-IV-B-foster--care--assigned--past-due-support--or-first--to--satisfy-active-IV-B-non-TANF-past-due-support-and-then-to-satisfy-any-IV-B-TANF-or-APBE-and-IV-B--foster--care--assigned--past-due-support-~~

11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:

- A) amounts intercepted under this subsection (c) will be applied in accordance with Section 160.130;
- B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.

d) Unemployment Insurance Benefits

1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.

2) The Department shall take the following action:

- A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
- B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
- C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent (50%) of the Unemployment Insurance Benefit.

D) receive amounts deducted direct from DES.

E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.

F) post each collection to the Department's payment record.

G) apply each collection to the current support obligation, then to past-due obligations.

H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.

3) The Department of Employment Security shall take the following

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action:

- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.

B) pay all amounts deducted direct to the Department.

e) Contempt of Court and Other Legal Proceedings

- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) below.
- 2) Contempt proceedings shall not be used in the following instances:
 - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
 - B) other legal or administrative remedies are more appropriate under the circumstances.

3) Contempt and other legal proceedings shall be used to:

- A) establish the amount of past-due support;
- B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
- C) secure an order for lump sum or periodic payment of the past-due support or judgment;
- D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
- E) obtain full or partial payment of past due support through incarceration;
- F) ascertain the responsible relative's source and amount of income or location and value of assets;
- G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;
- H) secure other enforcement relief; and
- I) obtain any combination of the above.

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- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
- 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- f) Liens Against Real Estate and Personal Property - Judicial Enforcement of Order for Support
 - 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$10,000; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
 - 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).
 - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.
 - g) Liens Against Real Estate and Personal Property - Administrative Enforcement of Order for Support
 - 1) Liens against real estate

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- A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
 - i) the amount of past-due support is at least \$10,000; and
 - ii) the responsible relative has an interest in real estate against which a lien may be claimed.
- B) The Department shall prepare a Notice of Lien or Levy that shall be served upon the responsible relative and filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:
 - i) the name and address of the responsible relative;
 - ii) a legal description of the real estate to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owned by the responsible relative; and
 - v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- C) A written request for redetermination made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).
- D) The Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- E) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from taking action against the real property, if action against the real property had been stayed pursuant to subsection (g)(1)(C) of this Section. The lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).
- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code Section 104.103(b) and (c) shall not apply.
- G) The Department shall notify the Clerk of the Court of the

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county in which the child support order was entered of any amount collected for posting to the court payment record.

- H) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$10,000 in excess of any statutory exemption.

2) Liens against personal property

- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:

- i) the amount of past-due support is at least \$1,000;
- ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
- iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.

- B) The Department shall prepare a Notice of Lien or Levy that shall be served upon the responsible relative and either the financial institution in which the account of the responsible relative is located or the sheriff of the county in which the personal property of the responsible relative is located. The notice shall inform the responsible relative and the financial institution or the sheriff of the following:

- i) the name and address of the responsible relative;
- ii) a description of the account or personal property to be levied;
- iii) the amount of past-due support to be satisfied by the levy;
- iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and
- v) the right to prevent action against the personal property, including accounts, by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

- C) In addition to the information to be included in the Notice of Lien or Levy under subsection (g)(2)(B), the Notice of Lien or Levy served upon a financial institution shall:

- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association

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only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];

- ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days after being served with a Notice to Surrender Assets by the Department;
- iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and
- iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the

Notice of Lien, with the surrendered assets--from--the levied account--

- D) The form for the response to Notice of Lien or Levy provided for under subsection (g)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:

- i) the amount of assets in the responsible relative's account;
- ii) the amount of the fee to be deducted from the account;
- iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution; and
- iv) the amount of assets surrendered and remitted to the Department.

- E) A written request for redetermination made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the personal property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).

- F) The Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

- G) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from taking action against the personal property, if action against the personal property had been stayed pursuant to subsection (g)(2)(E) of this Section. The lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).

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- H) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code Section 104.103(b) and (c) shall not apply.
- I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (g).
- h) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (h)(2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code (305 ILCS 5/10-17.4).
 - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
 - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- i) Past-Due Support Information to Consumer Reporting Agencies
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has

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- accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be reported;
 - C) the date past-due support will be reported; and
 - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
 - 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.
 - 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
 - 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
 - A) a request for
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
 - 6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- 1) High-Volume Automated Administrative Enforcement in Interstate Cases
- 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.
 - 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize such assets through levy or other appropriate processes.
 - 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the

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enforcement of a support order. The request shall:

- A) Include such information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.
- B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.

- 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of such other state.

- 5) The Department shall maintain records of:

- A) The number of such requests for assistance received by the Department.

- B) The number of cases for the which the Department collected support in response to such a request and the actual amount(s) of such support collected.

k)†† Past-Due Support Certified to the Illinois Department of Revenue or to the IV-D Agency of Another State for Administrative Enforcement in the Other State

- 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.

- 2) The Department may submit past-due support amounts to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:

- A) past-due support is owed for a child or for a child and the parent with whom the child is living;

- B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;

- C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and

- D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for collection;

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- C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
- D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

- 4) Factors for a satisfactory repayment plan will include, but are not limited to:

- A) the amount of past-due support owed;
- B) the amount to be paid toward the past-due amount;
- C) the amount of current child support obligations; and
- D) the individual's ability to pay.

- 5) The Department shall provide the Illinois Department of Revenue, or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:

- A) name;
- B) social security number;
- C) IV-D identification number; and
- D) the past-due support amount.

- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state.

- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.

- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.

- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

- 11) The Department shall:

- A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or

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B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

1) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports

1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$5,000:

A) the name, last known address and Social Security Number of the responsible relative; and

B) the terms and amount of past-due support which has accumulated under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount which will be certified;

C) the date past-due support will be certified; and

D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:

A) a request for

i) a redetermination, or

ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or

B) payment in full of the amount of the past-due support stated in the

i) advance notice, or

ii) notice of redetermination or hearing results.

6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be

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owed as a result of a redetermination or hearing conducted after report to such agencies.

m) Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 23 Ill. Reg. 2313, effective JAN 22 1994)

Section 160.75 Withholding of Income to Secure Payment of Support

a) Definitions

The definitions contained in Section 10-16.2(A) of the Illinois Public Aid Code [305 ILCS 5/10-16.2(A)] are incorporated herein by reference.

b) Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice

1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:

A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and

B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and

C) the obligor's Social Security Number disclosed to the court as required by law; and

D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.

2) The income withholding notice prepared by the Department shall:

A) be in the standard format prescribed by the federal Department of Health and Human Services; and

B) state the date of entry of the order for support upon which

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the income withholding notice is based; and
C)B direct any payor to withhold the dollar amount required for current support under the order for support; and
D)E direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and

E)B direct any payor or labor union or trade union to enroll a child as a beneficiary of a health insurance plan and withhold or cause to be withheld, if applicable, any required premium; and

F)E state the amount of the payor income withholding fee as provided by law; and

G)P state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and

H)S state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and

I)H state the rights, remedies, and duties of the obligor, as provided by law; and

J)I include the obligor's Social Security Number; and
K)J include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and-

L) contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice.

3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) above, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.

c) Service of Income Withholding Notice

1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within 15 days after the date the order is entered if the payor's address is known on that date, or, if the address is

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unknown on that date, within 15 days after locating the payor's address. However, notwithstanding the foregoing, if the Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [820 ILCS 405/1801.1], the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

2) The Department may serve the income withholding notice on the payor, its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.

3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A) above, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.

4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.

d) Income Withholding After Accrual of Delinquency

1) The Department shall prepare and serve an income withholding notice within 15 days after the date the obligor accrues a delinquency if the payor's address is known on that date or, if the address is unknown on that date, within 15 days after locating the payor's address. However, notwithstanding the foregoing, if the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

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- 2) An income withholding notice prepared by the Department under subsection (d)(1) above shall:
 - A) contain the information required under subsection (b)(2) above; and
 - B) contain a ~~computation of the period--and~~ total amount of delinquency as of the date of the notice; and
 - C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
 - D) be served on the payor and the obligor in the manner provided in subsection (c)(2) above.
 - 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
 - A) a dispute concerning the existence or amount of the delinquency; or
 - B) the identity of the obligor.
 - 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A) above, shall apply only to the initial service of an income withholding notice on a payor of the obligor.
- e) Initiated Withholding
- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) above and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) above no longer ensures payment of support, and the reason or reasons why it does not.
 - 2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2) above.
 - 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) below (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):
 - A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) above continues to ensure payment of support; or
 - B) the identity of the obligor.
 - f) Petition to Modify, Suspend or Terminate an Order for Withholding
 - 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension, or termination of the underlying order for support;
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.
 - 2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2) above, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
 - 3) The Department may serve a notice on the payor to:
 - A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
 - 4) The notice provided for under subsection (f)(3) above shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) above, and a copy shall be provided to the obligor and the obligee.
- g) Additional Duties
- 1) When the Department is no longer authorized to receive payments for the obligee, it shall, within seven days, notify the payor or, where appropriate, the Clerk of the Circuit Court, to redirect income withholding payments to the obligee.
 - 2) The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:
 - A) an offset under federal or State law; or
 - B) partial payment of the delinquency or arrearage or both.
 - h) Alternative Procedures for Service of an Income Withholding Notice
 - 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:

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- 2) An income withholding notice prepared by the Department under subsection (d)(1) above shall:
 - A) contain the information required under subsection (b)(2) above; and
 - B) contain a ~~computation of the period--and~~ total amount of delinquency as of the date of the notice; and
 - C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
 - D) be served on the payor and the obligor in the manner provided in subsection (c)(2) above.
 - 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
 - A) a dispute concerning the existence or amount of the delinquency; or
 - B) the identity of the obligor.
 - 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A) above, shall apply only to the initial service of an income withholding notice on a payor of the obligor.
- e) Initiated Withholding
- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) above and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) above no longer ensures payment of support, and the reason or reasons why it does not.
 - 2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2) above.
 - 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) below (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):
 - A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) above continues to ensure payment of support; or
 - B) the identity of the obligor.
 - f) Petition to Modify, Suspend or Terminate an Order for Withholding
 - 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension, or termination of the underlying order for support;
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.
 - 2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2) above, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
 - 3) The Department may serve a notice on the payor to:
 - A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
 - 4) The notice provided for under subsection (f)(3) above shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) above, and a copy shall be provided to the obligor and the obligee.
- g) Additional Duties
- 1) When the Department is no longer authorized to receive payments for the obligee, it shall, within seven days, notify the payor or, where appropriate, the Clerk of the Circuit Court, to redirect income withholding payments to the obligee.
 - 2) The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:
 - A) an offset under federal or State law; or
 - B) partial payment of the delinquency or arrearage or both.
 - h) Alternative Procedures for Service of an Income Withholding Notice
 - 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:

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- A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b) above, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and
- B) The obligor has accrued a delinquency after entry of the most recent order for support.
- 2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) above, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.
- 3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) above. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.

i) Notice to Payor

Whenever the Department serves an income withholding notice on a payor, notice of the following shall be included in or with the income withholding notice:

- 1) that the payor must begin deducting no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor;
- 2) that the payor must pay the amount withheld to the obligee or public office, as the case may be, within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 3) that if the payor knowingly fails to pay any amounts withheld within seven business days after the date the amount would have been paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the withheld amount is not paid to the obligee or public office after the period of seven business days has expired;
- 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
- 5) that for each deduction the payor must provide the obligee or public office, at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid

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- or credited to the obligor;
- 6) that upon receipt of an income withholding notice requiring that a minor child be named as a beneficiary of a health insurance plan available through an employer, labor union or trade union, that the employer or labor union or trade union must:
- A) immediately enroll the minor child as a beneficiary in the health insurance plan designated by the income withholding notice;
 - B) withhold or cause to be withheld, if applicable, any required premium and pay over any amounts so withheld to the insurance carrier in a timely manner;
 - C) mail to the obligee, within 15 days after enrollment or upon request, notice of the date of coverage, information on the dependent coverage plan, and all forms necessary to obtain reimbursement for covered health expenses, such as would be made available to a new employee;
 - D) when an order for dependent coverage is in effect and the insurance coverage is terminated or changed for any reason, notify the obligee within ten days after the termination or change date along with notice of conversion privileges;
 - 7) that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
 - 8) that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act;
 - 9) that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income withholding notice to the Department and provide the obligor's last known address and the name and address of the obligor's new payor, if known;
 - 10) that withholding of income under the income withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
 - 11) that the income withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;
 - 12) that the payor is subject to a fine of up to \$200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income;
 - 13) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
 - 14) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor

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shall allocate income available on a proportionate share basis, giving priority to current support payments, and that if there is any income available for withholding after withholding for all current support obligations, the payor shall allocate the income to past due support payments ordered in non-TANF matters and then to past due support payments order in TANF matters, both on a proportionate share basis; and

15) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.

j) Notice to Obligor

When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:

- 1) that income withholding has commenced;
- 2) the information provided to the payor under subsection (i) above;
- 3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h) above, as applicable;
- 4) that at any time the obligor may petition the court to:

- A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or
- B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
- C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or
- D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:

- i) the amount of current support;
 - ii) the amount of the arrearage;
 - iii) the periodic amount for payment of the arrearage; or
 - iv) the periodic amount for payment of the delinquency;
- 5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days of the change; and
- 6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.

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k) Penalties

In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income withholding notice, or otherwise fails to comply with any income withholding duties imposed by law, the Department, through its legal representatives, may request that the court:

- 1) enter judgment and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
- 2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.

l) Interstate Income Withholding

Within the timeframes specified in subsection (c)(1) above, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another state.

m) Refund of Improperly Withheld Amounts

The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

(Source: Amended at 23 Ill. Reg. 2313, effective JAN 22 1999)

Section 160.88 State Case Registry

a) Pursuant to Section 10-27 of the Illinois Public Aid Code [305 ILCS 5/10-27], the Department shall establish an automated State Case Registry to contain records concerning child support orders for:

- 1) all IV-D cases; and
- 2) all other cases entered or modified on or after October 1, 1998, and pursuant to Sections 10-10 and 10-11 of the Illinois Public Aid Code [305 ILCS 5/10-10 and 10-11], and pursuant to the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/], the Non-Support of Spouse and Children Act [750 ILCS 15], the Uniform Interstate Family Support Act [750 ILCS 22] or the Illinois Parentage Act of 1984 [750 ILCS 45].

b) The Department shall maintain the following information in the Registry for all cases described in subsection (a) of this Section:

- 1) the names of the custodial and non-custodial parents, and of the child or children covered by the order;
- 2) the dates of birth of the custodial and non-custodial parents, and of the child or children covered by the order;
- 3) the social security numbers of the custodial and non-custodial parents and, if available, of the child or children covered by the order;
- 4) the residential and mailing addresses for the custodial and non-custodial parents;
- 5) the telephone numbers for the custodial and non-custodial

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- 6) parents;
the driver's license numbers for the custodial and non-custodial
parents;
 7) the name, address, and telephone number of each parent's employer
or employers;
 8) the case identification number;
 9) the court docket number, for those cases entered or modified by
the circuit court; and
 10) any other information that may be required under Title IV, Part D
of the Social Security Act or regulations promulgated thereunder.
- c) The Department shall maintain the following payment information in the
Registry on IV-D cases:
 1) the amount of monthly or other periodic support owed under the
order and other amounts, including arrearages, interest or late
payment penalties, and fees, due or overdue under the order;
 2) any amounts described in subsection (c)(1) of this Section that
have been collected;
 3) the distribution of the collected amounts; and
 4) the amount of any lien imposed with respect to the order pursuant
to Section 10-25 or Section 10-25.5 of the Public Aid Code [305
ILCS 5/10-25 and 10-25.5].
- d) When an order for support is entered or modified by the circuit court
for all cases described in subsection (a) of this Section, the
Department shall obtain the data identified in subsection (b) of this
Section and the name of the county where the order was entered from
the circuit clerk within five business days after entry of the order.
 e) When an order for support is entered or modified by the circuit court
in a IV-D case, the Department shall obtain the data identified in
subsection (b) of this Section and the following data from the circuit
clerk within five business days after entry of the order:
 1) the amount of monthly or other periodic support owed under the
order and other amounts, including arrearages, interest or late
payment penalties, and fees, due or overdue, under the order;
 2) any amounts described in subsection (e)(1) of this Section that
have been received by the clerk; and
 3) the distribution of the amounts received by the circuit clerk.
- f) When the Department enters or modifies an administrative order for
support in a IV-D case under Section 10-8.1 or Section 10-11 of the
Illinois Public Aid Code [305 ILCS 5/10-8.1 and 10-11], it shall
obtain from the custodial parent and the non-custodial parent the
information identified in subsections (b) and (c) of this Section for
inclusion in the Registry.
- g) The Department shall establish, update, maintain, and monitor IV-D
case records in the Registry on the bases of:
 1) information on administrative actions, administrative and
judicial proceedings and orders relating to paternity and
support;
 2) information obtained from comparison with federal, state, and

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- local sources of information;
- 3) information on support collections and distribution; and
 4) any other relevant information.
- h) Information contained in the Registry shall be subject to all federal
and State confidentiality laws and regulations pursuant to 42 USC
654(26); 45 CFR 205.50 and 303.21; 42 CFR 431, Subpart F; 305 ILCS
5/11-9, 11-10, and 11-12; and Illinois Rules of Court.
- i) The Department shall exchange data with other federal, state, and
local agencies and other sources of information as necessary to
maintain the Registry and with the agencies that administer Section
IV, Part A, and Title XIX of the Social Security Act, and any other
agency as may be required under Section IV, Part D of the Social
Security Act, or regulations promulgated thereunder.
The Department shall provide to the Federal Case Registry the case
information required by the Department of Health and Human Services.
- j) (Source: ~~Adm 22 1999~~ 23 Ill. Reg. ~~2313~~, effective

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services

Child support payments which are received by the Department on behalf of a former AFDC or TANF recipient who continues to receive child support enforcement services, shall be distributed in accordance with the provisions of subsections (a) through (g) of this Section ~~et seq.~~.

- a) Current Support: Upon cancellation of TANF or AFDC, a client's
assignment of support ceases (see Section 160.20), except with respect
to the amount of any unpaid support obligation that has accrued under
such assignment. For any month in which a client is not a TANF
recipient, regardless of whether such client continues to receive
child support enforcement services, the client is entitled to the
amount of current support paid for that month, up to the amount of the
monthly support obligation for that month. Current support payments
to former AFDC or TANF recipients who do receive child support
enforcement services from the Department shall be issued within 15
calendar days after initial receipt in the State.
- b) Unpaid Current Support Accrued Following Cancellation: If the amount
of child support collected in a month on behalf of a former AFDC or
TANF recipient who receives child support enforcement services exceeds
the amount of current support distributed pursuant to subsection (a)
above, the client shall be paid any such amount, up to the unpaid
current support obligation which has accrued for any month following
cancellation of the client's AFDC or TANF case in which the client
received child support enforcement services. Such payments to former
AFDC or TANF recipients shall be issued within 15 calendar days after

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c) initial receipt in the State.

Unpaid Current Support Accrued Prior to the Family Receiving Assistance (only in cases where the assignment of support rights under Section 160.20 of this Part was entered into on or after October 1, 1998): If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who receives child support enforcement services exceeds the amount of support distributed pursuant to subsections (a) and (b) of this Section, the client shall be paid any such amount, up to the unpaid current support obligation that has accrued for any month prior to the family having first received assistance, but only if such first month commenced on or after October 1, 1998, and only if such amount was not collected by use of federal income tax refund offset. Such payments to former TANF recipients shall be issued within 15 calendar days after initial receipt in the State.

d) Unreimbursed AFDC or TANF: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient exceeds the amount to be distributed pursuant to subsections (a) and (b) of this Section and, where applicable, subsection (c) of this Section above, the excess shall be retained by the Department to reimburse it for past unreimbursed AFDC or TANF. If the unpaid support obligation is greater than the past unreimbursed AFDC or TANF, then the maximum reimbursement amount is the amount of unreimbursed AFDC or TANF the Department has provided. If the past unreimbursed AFDC or TANF is greater than the unpaid support obligation, then the maximum reimbursement amount is the amount of the unpaid support obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, and that first month of receipt of AFDC or TANF occurred prior to October 1, 1998, or the amounts are collected by use of offset of federal income tax refunds, in which case such amounts will be retained by the Department to reimburse the difference between such support obligation and such past unreimbursed AFDC or TANF.

e) Past Excess: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient exceeds the amount to be distributed pursuant to subsections (a), (b), and (c), and (d) of this Section above, the excess, up to the amount of the unpaid support obligation, including the unpaid obligation for months prior to the first month in which the former AFDC or TANF recipient received AFDC or TANF, shall be paid to the client. Such payments to former AFDC or TANF recipients shall be issued within 15 calendar days after initial receipt in the State.

f) Amounts In Excess of the Child Support Obligation: If the amount of child support collected in a month on behalf of a former AFDC or TANF recipient who continues to receive child support enforcement services exceeds the amount to be distributed pursuant to subsections (a), (b), (c), and (d), and (e) of this Section above, the excess shall be

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g) refunded to the responsible relative.

h) Identification of Child Support Payment: Any support payment issued by the Department to a former AFDC or TANF recipient under this Section shall be identified on its face as being a child support payment.

(Source: Amended at 23 Ill. Reg. 2313, effective JAN 22 1999)

Section 160.130 Distribution of Intercepted Federal Income Tax Refunds and Other State Payments

The Department shall as promptly as possible apply collections it receives as a result of intercept of federal State and Federal income tax refunds and other State payments under Section 160.79 only against the past-due support amount specified in the advance notice provided the responsible relative (see Section 160.70(c)(3)).

a) Federal income tax refunds shall be applied first to satisfy any IV-D AFDC, IV-D TANF or IV-E foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support.

b) State income tax refunds and other State payments shall be applied to satisfy any active IV-B TANF and IV-B foster care assigned past-due support, or first to satisfy active IV-B non-TANF past-due support and then to satisfy any IV-B AFDC, IV-B TANF and IV-B foster care assigned past-due support.

c) The Department shall send payments made to a IV-D client or DCFS as a result of the intercept of federal Federal or State income tax refunds and other State payments within 30 calendar days after initial receipt by the Department, except as described in subsections (c) and (d) of this Section subsection (d) below.

d) When a responsible relative initiates the review process under Section 160.70(c)(3)(C) between the date of the tax refund intercept and the date the Department disburses the intercepted funds or the 30th calendar day after the Department's receipt of such funds, whichever first occurs, the Department shall send any funds determined to be due the IV-D client or DCFS within 15 calendar days after the review process concludes.

e) If the Department is notified by the federal Office of Child Support Enforcement that an intercept to satisfy IV-D non-TANF past-due support is being made from a refund based on a joint return, the Department may delay distribution of the federal tax refund intercept until it is notified that the unobligated spouse's proper share of the refund has been paid or for a period not to exceed 6 months from notification of the intercept, whichever first occurs.

(Source: Amended at 23 Ill. Reg. 2313, effective JAN 22 1999)

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:
120.381 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 22, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 18, 1998 (22 Ill. Reg. 16441)
- 10) Has JCAR issued a Statement of Objections to these adopted amendments?
No
- 11) Differences between proposal and final version:
In subsection (a)(2)(A), "extraordinarily" has been deleted.
In subsection (a)(3), "drought resistance" has been changed to "drought resistant".
The first words in subsections (a)(4)(A), (B) and (C) have been capitalized.
In subsection (b)(2), "which are available" has been changed to "which is available".
In subsection (b)(3), "[1989]" has been changed to "[1992]".
In subsection (e), "[1989]" has been changed to "[1997]".
No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will these amendments replace emergency amendments currently in effect?
Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments affect the Department's asset exemption policies concerning determinations of medical eligibility under AABD MANG. The most substantive changes are expected to promote the saving of assets for the purpose of covering funeral and burial expenses by allowing such assets to remain exempt from consideration regarding medical eligibility. According to these new provisions, funds can be specifically and irrevocably set aside for the professional funeral services and burial expenses of the individual and his or her spouse, subject to a limit of \$4,000 each, including prepaid funeral and burial plans. This \$4,000 limit will be increased annually by three percent.
- Other amendments have been made to Section 120.381 to fully identify those assets that are exempt from consideration in determinations of medical eligibility under AABD MANG. Currently, Section 120.381(b) contains a cross-reference to 89 Ill. Adm. Code 113.141 concerning asset exemptions. However, incorporating the exemption provisions by reference has become problematic for the Department since 89 Ill. Adm. Code 113.141 was recodified to the Department of Human Services in July 1997. Therefore, these amendments are necessary to clearly identify asset exemption policies in the Department's AABD MANG program.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
Telephone: (217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS
Beneficiary (OMB)
Eligibility for Medical Payment of Medicare Part B Premiums as a
Specified Low-Income Medicare Beneficiary (SLIB)
Qualified Medicare Beneficiary (QMB) Income Standard
Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
Hospital Insurance Benefits (HIB)

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS
PART 120
MEDICAL ASSISTANCE PROGRAMS
SUBPART A: GENERAL PROVISIONS

SUBPART E: RECIPIENT RESTRICTION PROGRAM
Recipient Restriction Program
Migrant Medical Program
Income Standards

SUBPART B: ASSISTANCE STANDARDS
Incorporation By Reference
Eligibility For Medical Assistance
MANG(P) Eligibility
Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
MANG(AABD) Income Standard
MANG(C) Income Standard
MANG(P) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard (Repealed)

SUBPART F: MIGRANT MEDICAL PROGRAM
Elimination of Aid to The Medically Indigent
Client Cooperation (Repealed)
Citizenship (Repealed)
Residence (Repealed)
Age (Repealed)
Relationship (Repealed)
Living Arrangement (Repealed)
Supplemental Payments (Repealed)
Institutional Status (Repealed)
Foster Care Program (Repealed)
Social Security Numbers (Repealed)
Unearned Income (Repealed)
Exempt Unearned Income (Repealed)
Education Benefits (Repealed)
Unearned Income In-Kind (Repealed)
Earmarked Income (Repealed)
Lump Sum Payments and Income Tax Refunds (Repealed)
Protected Income (Repealed)
Earned Income (Repealed)
Budgeting Earned Income (Repealed)
Exempt Earned Income (Repealed)
Recognized Employment Expenses (Repealed)
Income From Work/Study/Training Program (Repealed)
Earned Income From Self-Employment (Repealed)
Earned Income From Roomer and Boarder (Repealed)
Earned Income In-Kind (Repealed)
Payments from the Illinois Department of Children and Family Services

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION
All Cases Other Than Intermediate Care, Skilled Nursing Care, DHS Facilities, DHS Approved Community Based Settings and Pregnant Women and Children Under Age 19 Who Do Not Qualify As Mandatory Categorically Needy
Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
MANG(P) Cases
Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE
Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
Eligibility for Medicare Cost Sharing as a Qualified Medicare

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE
Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
Eligibility for Medicare Cost Sharing as a Qualified Medicare

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

120.280	(Repealed)
120.281	Assets (Repealed)
120.282	Exempt Assets (Repealed)
120.283	Asset Disregards (Repealed)
120.284	Deferral of Consideration of Assets (Repealed)
120.285	Spend-down of Assets (AMI) (Repealed)
120.286	Property Transfers (Repealed)
120.287	Persons Who May Be Included in the Assistance Unit (Repealed)
120.288	Payment Levels for AMI (Repealed)
120.289	
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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard - MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers Occurring On or After August 11, 1993
120.390	Persons Who May Be Included in the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later (MANG(P) Program)
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility
TABLE A	Value of a Life Estate and Remainder Interest
TABLE B	Life Expectancy
AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].	
SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. 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150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10370, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill.

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Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a

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maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2005, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective JAN 22 1999.

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.381 Exempt Assets

AABD MANG-assets exempt from consideration for AABD MANG shall be as follows:

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

- 1) Homestead property
- 2) Personal Property

A) Personal effects and household goods of reasonable value (reasonable value means the client's equity value in such property does not exceed \$2,000). Wedding and engagement

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ings and items required due to medical or physical condition.

- B) Regardless of the value, personal effects and household goods are exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described in Section 120.386).

- 3) Resources (for example, land, buildings, equipment and supplies or tools) necessary for self-support up to \$6,000 of the individual's equity in the income producing property, provided the property produces a net annual income of at least six percent of the excluded equity value of the property. The equity value in excess of \$6,000 is applied toward the asset disregard. If the activity produces income that is less than six percent of the exempt equity due to reasons beyond the individual's control (for example, the individual's illness or crop failure) and there is a reasonable expectation that the individual's activity will increase to produce income equal to six percent of the equity value (for example, a medical prognosis that the individual is expected to respond to treatment or that drought resistant corn will be planted), the property is exempt. If the individual owns more than one piece of property and each produces income, each is looked at to determine if the six percent rule is met and then the amounts of the individual's equity in all of those properties are totaled to see if the total equity is \$6,000 or less.

4) Automobile

- A) Exclude one automobile, regardless of value, used by the client, spouse, or other dependent if:
- i) it is necessary for employment;
 - ii) it is necessary for the medical treatment of a specific or regular medical problem;
 - iii) it is modified for operation by, or transportation of, a handicapped person;
 - iv) it is necessary because of factors such as climate, terrain or distance to provide necessary transportation to perform essential daily activities; or
 - v) one vehicle for each spouse is exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described in Section 120.386).
- B) If not excluded in subsection (a)(4)(A) of this Section, exclude one automobile to the extent the fair market value does not exceed \$4500. Apply the excess fair market value toward the asset disregard (see 89 Ill. Adm. Code 113.142). The Department will determine fair market value in accordance with 89 Ill. Adm. Code 121.57(b)(2)(D)(iv).
- C) For all other automobiles, apply the equity value (fair market value minus any encumbrance) toward the asset disregard (see 89 Ill. Adm. Code 113.142).

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- 5) Life insurance policies with a total face value of \$1,500 or less and all term life insurance policies. If the total face value exceeds \$1,500, the cash surrender value must be counted as a resource.
- b) Burial spaces and funds are exempt as follows:
- 1) Burial spaces which are intended for the use of the individual, his or her spouse, or any other member of his or her immediate family. Immediate family is defined as an individual's minor and adult children, including adopted children and step-children, an individual's brothers, sisters, parents, adoptive parents, and the spouses of these individuals.
 - 2) Funds set aside for the burial expenses of the individual and his or her spouse, subject to a limit of \$1,500 each. This limit will be reduced by the face value of any excluded life insurance policy and the amount of any funds held in an irrevocable trust or other irrevocable arrangement which is available for burial expenses.
 - 3) Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which occurred the earlier of the date of first SSI eligibility or the date of AABD eligibility, but no earlier than November 1, 1982 (see 20 CFR 416.1231(b)(5)(1992)).
 - 4) Funds specifically and irrevocably set aside for the professional funeral services and burial expenses of the individual and his or her spouse, subject to a limit of \$4,000 each, including prepaid funeral and burial plans. This limit will be increased annually by three percent.
- c) Assets necessary for fulfillment of an approved plan for achieving self support.
- d) Trust funds are exempt as follows:
- 1) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.
 - 2) The principal of a trust fund established under the Self Sufficiency Trust Fund Program [20 ILCS 1705/21.1].
- e) Assets excluded by express provision of 20 CFR 416.1236 (1997).
- f) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (for example, not available to the client or the responsible relative) over the donations or benefits or the disbursement of donations or benefits.
- g) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under Public Law 101-201.
- h) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS) and held in a separate account.
- i) Disaster relief payments provided by federal, State or local

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- government or a disaster assistance organization.
- 1) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax.
 - a) The following assets are exempt from consideration in determining eligibility for MANG(E):
 - 1) A home which is the usual residence of the assistance unit.
 - 2) Clothing, personal effects and household furnishings.
 - 3) One automobile if the equity value does not exceed \$1500.
 - 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.)
 - 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
 - 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as amended and the special food service program for child under the National School Lunch Act, as amended.
 - 7) Donations or benefits from fund raisers held for a seriously ill client providing the client or responsible relative of the client does not have control (for example, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.
 - b) AABD Assets exempt from consideration for AABD-MANG shall be the same as those listed in 89 Ill. Adm. Code 113.141.

(Source: Amended JAN 22 1993 23 Ill. Reg. 2381 effective

DEPARTMENT OF PUBLIC AID

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1) Heading of the Part: Practice in Administrative Hearings2) Code Citation: 89 Ill. Adm. Code 1043) Section Numbers:

104.100 Adopted Action:
 104.101 Amendment
 104.102 Amendment
 104.105 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 IICS 5/12-13]5) Effective Date of Amendments: January 22, 19996) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 1998 (22 Ill. Reg. 16970)10) Has JCAR issued a Statement of Objections to these rules? No11) Differences Between Proposal and Final Version:

Section 104.105

At the end of subsection (a), "whether he exercised" has been changed to "whether the petitioner exercised".

In subsection (b), a comma has been added after "paternity order" and "prove his" has been changed to "prove a".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes3) Will these amendments replace emergency amendments currently in effect?
Yes14) Are there any other amendments pending on this Part? No

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: These amendments to the Department's administrative rules concerning hearing procedures related to child support enforcement are required for the implementation of program changes pursuant to Public Act 90-790.

The changes to Sections 104.100, 104.101 and 104.102 will provide parents (IV-D clients) with appeal rights concerning administrative paternity and support orders, thereby allowing the right to request relief and the same procedural safeguards that are currently provided non-custodial parents.

Section 104.105 has been amended to clarify the evidentiary standards for reviewing petitions for relief from administrative paternity orders. The new provisions specify that a successful petitioner must prove a meritorious defense and provide clear and convincing evidence. These changes are intended to more closely track relief available from final judgments in civil judicial cases. The relief allowed by these changes will be available only to the extent permitted under Section 2-1401 of the Civil Practice Law.

These changes regarding administrative support hearings are expected to result in some increase in expenditures due to an increased number of hearings to appeal administrative paternity and support decisions, but the actual budgetary impact cannot be determined at this time.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 201 South Grand Avenue East, Third Floor
 Springfield, Illinois 62763
 Telephone: (217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section

104.1 Assistance Appeals
104.10 Initiation of Appeal Process
104.11 Pre-Appeal Review
104.12 Notice of Hearing
104.20 Conduct of Hearings
104.21 Representation
104.22 Appellant Participation in Hearing
104.23 Evidentiary Requirements
104.30 Subpoenas
104.35 Amendment of Appeal
104.40 Consolidation of Appeals
104.45 Postponement or Continuation of Hearings
104.50 Withdrawal of Appeal
104.55 Closing of Hearing Record
104.60 Dismissal of Appeal
104.70 Final Administrative Decision
104.80 Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section
104.100 Support Order, Responsible Relative and Joint Payee Petitions
104.101 Petition for Hearing
104.102 Conduct of Administrative Support Hearings
104.103 Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds
104.104 Conduct of Other Hearings
104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders

SUBPART C: MEDICAL VENDOR HEARINGS

Section
104.200 Applicability
104.202 Definitions
104.204 Notice of Denial of An Application
104.206 Notice of Intent to Recover Money
104.207 Notice of Contested Paternity Hearing

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104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
104.210 Right to Hearing
104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212 Prior Factual Determinations
104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
104.215 Notice of Formal Conference
104.216 Formal Conference on Recovery of Money
104.217 Purpose of Formal Conference
104.220 Notice of Hearing
104.221 Issues at Hearings
104.225 Legal Counsel
104.226 Appearance of Attorney or Other Representative
104.230 Notice, Service and Proof of Service
104.231 Form of Papers
104.235 Discovery
104.240 Conduct of Hearings
104.241 Amendments
104.242 Motions
104.243 Subpoenas
104.244 Burden of Proof
104.245 Witness at Hearings
104.246 Evidence at Hearings
104.247 Cross-Examination
104.248 Disqualification of Hearing Officer
104.249 Genetic Testing in Contested Paternity Hearings
104.250 Official Notice
104.255 Computer Generated Documents
104.260 Recommendation of Peer Review Committee
104.270 Time Limits for Hearings
104.271 Continuances and Extensions
104.272 Withholding of Payments During Pendency of Proceedings
104.273 Continuation of Payments During Pendency of Proceedings
104.274 Denial of Payments for Services During Pendency of Proceedings
104.280 Record of Hearings
104.285 Failure to Appear or Proceed
104.290 Recommended Decision
104.295 Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
104.300 Authority
104.302 Definitions
104.304 Department Actions Against Nursing Homes Facilities
104.310 Certification
104.320 Joint Administrative Hearing
104.330 Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

104.400 Suspected Intentional Violation of the Program
104.410 Advance Notice of Administrative Disqualification Hearing
104.420 Postponement of Hearing
104.430 Administrative Disqualification Hearing Procedures
104.440 Failure to Appear
104.450 Participation While Awaiting a Hearing
104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing

104.470 Administrative Disqualification Hearing Decision and Notice of Decision
104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section
104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992;

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amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. ~~2393~~ ²³⁹³ effective ~~JAN 22 1999~~ ^{JAN 22 1999}.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.100 Support Order, Responsible Relative and Joint Payee Petitions
Sections 104.101 through 104.104 apply to all petitions of responsible relatives and clients for release from or modification of Administrative Support Orders and to all petitions of responsible relatives ~~for~~ to contest determinations of the amount of past-due support or of the share of jointly-owned funds (see 89 Ill. Adm. Code 160.70), or to contest withholding, or to modify, suspend, terminate, or correct terms contained in administrative income withholding notices (see 89 Ill. Adm. Code 160.60(d)(6)).

(Source: Amended at 23 Ill. Reg. ~~2393~~ ²³⁹³, effective ~~JAN 22 1999~~ ^{JAN 22 1999})

Section 104.101 Petition for Hearing

- Any client or responsible relative aggrieved by an administrative support order entered, or any responsible relative aggrieved by a determination of past-due support or determination of the share of jointly-owned funds made by the Department may petition for a hearing for release from or modification of the order or to contest the determination.
- The petition under subsection (a) above shall be filed within 30 days after ~~from~~ the date of mailing of such order or determination. The day immediately subsequent to the mailing of the order or determination shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 30 day appeal period.
- Any responsible relative in a case with an administrative support

DEPARTMENT OF PUBLIC AID

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order may petition the Department for a hearing to contest withholding, or to correct a term contained in an income withholding notice, or to modify, suspend or terminate an income withholding notice for the reasons provided in 89 Ill. Adm. Code 160.75(d), (e) and (j).

- d) The petition to modify, suspend, terminate, or correct a term contained in an income withholding notice may be filed at any time and the petition to contest withholding shall be filed within 20 days after the date of service of the copy of the income withholding notice upon the responsible relative. The day immediately subsequent to the day of service of the copy of the notice shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 20 day appeal period.

- e) The Department shall, upon receipt of a petition, provide for a hearing to be held, except as provided in Section 104.103(b).

(Source: Amended at 23 Ill. Reg. 2393, effective JAN 22 1993)

Section 104.102 Conduct of Administrative Support Hearings

- a) Hearing De Novo

- 1) The hearing shall be de novo and the Department's determination of liability or non-liability pursuant thereto shall be independent of the prior determination of liability.
- 2) In Title IV-D cases, the hearing shall only consider such matters as are relevant for a determination of the duty and financial ability to support under 89 Ill. Adm. Code 160.60 and 160.65.

- b) Rules Governing Hearing

- 1) Hearings on petitions for release from or modification of the Administrative Support Order shall be governed by Sections 104.10 through 104.70, except that "appellant" as used within this Part ~~these Rules~~ shall refer to the responsible relative or Title IV-D client who petitions and except as set out in subsection (b)(2) below.
- 2) In Title IV-D cases, the following additional rules shall govern:
 - A) A request for appeal must be filed with the regional or central office of the Bureau of Child Support Enforcement at the address furnished in the administrative support order.
 - B) For purposes of notice and of presenting evidence, the Title IV-D client and the responsible relative shall be considered an interested parties party.
 - C) Hearings shall be conducted by a hearing officer authorized by the Director of the Department to consider issues under appeal by Title IV-D clients and responsible relatives.
 - D) In the event of cross appeals, if the client is an Illinois resident, the hearing shall be held in the client's county

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of residence. Otherwise, if the appellant is an Illinois resident, the hearing shall be conducted in the appellant's county of residence. If the appellant is not an Illinois resident but the client is an Illinois resident, the hearing shall be conducted in the client's county of residence. If neither the appellant nor the client is an Illinois resident, the hearing shall be conducted in the appropriate regional office of the Division of Child Support Enforcement. In any event, the hearing may be conducted in a county acceptable to the appellant, the client, and the Division of Child Support Enforcement. If a party is outside the State, he may, in a manner consistent with Section 11-8.2 of the Public Aid Code (305 ILCS 5/11-8.2), present his case through depositions and witnesses. In addition, a party may request to participate in the hearing by telephone, at his own expense.

- E) Documents certified by a clerk of court or a Title IV-D agency shall be admitted into evidence without further proof. (Refer to Section 104.23 for admission of other evidence.)

- F) In addition to the appellant, the Bureau of Child Support Enforcement or Title IV-D client may request and receive a continuance for good cause shown (for example ~~er~~, illness or other circumstance which prevent a party from continuing in the normal course of the hearing).

- G) A decision on appeal shall be given to the IV-D client and responsible relative within 60 days after of the Department's receipt of the appeal unless additional time is required for a proper decision due to the complexity or unavailability of relevant evidence, and the IV-D client and responsible relative will be notified of the length of the extension.

- c) A hearing to vacate registration or to modify the administrative income withholding notice of the Department shall consider only matters which would be available to the responsible relative as defenses in a civil action in Illinois to enforce a foreign money judgment (such as, payment, partial payment, or identification of the party against whom the judgment was entered). If the responsible relative shows the Department that an appeal from the registered support order is pending or will be taken in the court or administrative body of the jurisdiction which originally entered the order, or that a stay of execution has been granted, the Department shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the stay order is vacated.

(Source: Amended at 23 Ill. Reg. 2393, effective JAN 22 1993)

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Section 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders

- a) Hearings on petitions filed under authority of 89 Ill. Adm. Code 160.61(e) for release from an administrative paternity order entered under 89 Ill. Adm. Code 160.61(b) or (c) ~~subsection--(b)--of--Section 160-61~~ shall be governed by Section 104.102, except that subsections (a) and (c) shall not apply, and the hearing shall consider only the issues ~~issue~~ of whether there is a prima facie showing that the petition is timely filed, whether the Department's policies and procedures were followed in entering the administrative paternity order, whether the petitioner has a meritorious defense to entry of the order and whether the petitioner exercised due diligence in presenting that defense to the Department.
- b) In order to prevail on a timely filed petition for release from entry of an administrative paternity order, the petitioner must prove a meritorious defense and exercise of due diligence by clear and convincing evidence.
- c) Relief of under this Section shall be available only to the extent allowed under Section 2-1401 of the Civil Practice Law [735 ILCS 5/2-1401].

(Source: Amended at 23 Ill. Reg. 2393, effective JAN 25 1999)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section numbers: Adopted Action:
3040.400 New Section
3040.450 New Section
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322]
- 5) Effective Date of Amendments: January 22, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: October 2, 1998; 22 Ill. Reg. 17311.
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version: Minor wording and punctuation changes were made, as requested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
3040.130	Amendment	22 Ill. Reg. 16972
3040.140	Amendment	22 Ill. Reg. 16972
3040.150	Amendment	22 Ill. Reg. 16972
3040.160	Amendment	22 Ill. Reg. 16972
3040.170	Amendment	22 Ill. Reg. 16972
3040.200	Amendment	22 Ill. Reg. 16972
3040.210	Amendment	22 Ill. Reg. 16972
3040.220	Amendment	22 Ill. Reg. 16972
3040.230	Amendment	22 Ill. Reg. 16972
3040.240	Amendment	22 Ill. Reg. 16972

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- 15) Summary and purpose of amendments: Literacy grant programs seek to offer services in a variety of contexts so that all Illinois citizens who need to improve their basic skills can do so in a setting or environment most conducive to improving those skills. These two special grant programs will be implemented to meet needs expressed by domestic violence facilities and businesses needing to hire qualified employees.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathleen Bloomberg 217/785-0052
Associate Director for 217/782-8261 fax
Communications & Planning
Illinois State Library kbloom@library.sos.state.il.us
300 S. Second Street
Springfield, IL 62701-1796

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3040
LITERACY GRANT PROGRAM

SUBPART A: LITERACY PROVIDER PROGRAM

Section	Purpose
3040.100	Definitions
3040.110	Application For Grant
3040.120	Review of Grant Applications
3040.130	Award of Grants and Recordkeeping
3040.140	Cancellation of Grant
3040.150	Fiscal Procedures
3040.160	Other Requirements
3040.170	Invalidity
3040.180	

SUBPART B: WORKPLACE LITERACY PROGRAM

Section	Purpose
3040.200	Definitions
3040.210	Application for Grant
3040.220	Review of Grant Applications
3040.230	Award of Grant, Financial Reports, and Program Progress Reports
3040.240	Report
3040.250	Cancellation of Grant
3040.260	Other Requirements
3040.270	Invalidity

SUBPART C: FAMILY LITERACY PROGRAM

Section	Purpose
3040.300	Definitions
3040.310	Eligible Applicants
3040.320	Grant Applications
3040.330	

SUBPART D: SPECIAL GRANTS

Section	
3040.400	Making Work Pay Grant Program
3040.450	New Chapters Grant Program

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NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 21 Ill. Reg. 11767, effective August 11, 1997; amended at 23 Ill. Reg. 2408, effective JAN 22 1999.

SUBPART D: SPECIAL GRANT PROGRAMS

Section 3040.400 Making Work Pay Grant Program

- a) Pursuant to Section 15 of the Illinois Literacy Act [15 ILCS 322/15], there is established by this Section the application procedure for Making Work Pay literacy grants.
- b) The application for annual grants to businesses, associations and labor unions to provide basic skills training for prospective employees to make them employable shall be made according to a deadline established by the State Librarian. Applications not submitted on time or on the required forms shall not be considered.
- c) The applications shall be evaluated by staff of the Literacy Office/Illinois State Library and a review committee appointed by them.
- d) Applications will be funded according to the amount of funding available, demonstrated need and number being served. Criteria will also include whether the plan of operation contains information about the project goals and objectives and the methods used to achieve these goals and objectives.
- e) Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds as approved shall result in ineligibility for future grants.
- f) The application shall consist of:
 - 1) A statement on the proposed use of the funds.
 - 2) A plan of operation outlining project activities throughout the grant year.
 - 3) Statements of anticipated outcomes of the proposed project.
 - 4) A report on the use of the previous year's grant, if a grant was received, that shall show how the grant was used and an evaluation detailing the impact of the program.
 - 5) A certification stating that:
 - A) The grant funds will be kept in a separate account;
 - B) The grantee will submit semi-annual financial and programmatic reports to the Illinois State Library Literacy Office on January 15 and July 15 of each year covering the use of the funds.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

programmatic reports covering the use of the funds to the Illinois State Library Literacy Office on April 15, 1999 and on July 15, 1999 for FY99 and on January 15 and July 15 of each subsequent year.

- g) The number of grants to be awarded will be at the discretion of the State Librarian.

(Source: Added at 23 Ill. Reg. 2408, effective JAN 22 1999)

Section 3040.450 New Chapters Grant Program

- a) Pursuant to Section 15 of the Illinois Literacy Act [15 ILCS 322/15], there is established by this Section the application procedure for New Chapters literacy grants.
- b) The application for annual grants to literacy projects for providing literacy services to clients of domestic violence facilities shall be made according to a deadline established by the State Librarian. Applications not submitted on time or on the required forms shall not be considered.
- c) The applications shall be evaluated by staff of the Literacy Office/Illinois State Library and a review committee appointed by them.
- d) Applications will be funded according to the amount of funding available, demonstrated need and number being served. Criteria will also include whether the plan of operation contains information about the project goals and objectives and the methods used to achieve these goals and objectives.
- e) Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian. Failure to spend funds as approved shall result in ineligibility for future grants.
- f) The application shall consist of:
 - 1) A statement on the proposed use of the funds.
 - 2) A plan of operation outlining project activities throughout the grant year.
 - 3) Statements of anticipated outcomes of the proposed project.
 - 4) A report on the use of the previous year's grant, if a grant was received, that shall show how the grant was used and an evaluation detailing the impact of the program.
 - 5) A certification stating that:
 - A) The grant funds will be kept in a separate account;
 - B) The grantee will submit semi-annual financial and programmatic reports to the Illinois State Library Literacy Office on January 15 and July 15 of each year covering the use of the funds.
- g) The number of grants to be awarded will be at the discretion of the State Librarian.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 23 Ill. Reg. 2402, effective JAN 28 1999)

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTORS PROHIBITED FROM AN AWARD
OF A CONTRACTOR OR A SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to section 11a of the Prevailing Wage Act, 820 ILCS 130/0.01-12 (1998), the Director of the Department of Labor gives notice that the following contractors or subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project for:

1) the period of January 1, 1999 - December 31, 2000

Mr. John D. Williams and/or Ms. Joyce A. Williams/
d/b/a John Williams Interiors
210 6th Street
Charleston, Illinois 61920

2) the period of May 12, 1998 - April 30, 1999:

Martinsville Roofing Company, Inc.
John H. Sanders, President
26 South Washington
Martinsville, Illinois 62442

3) the period of July 7, 1997 to July 6, 1999:

a) D & D Sewer Service
201 Heitman Drive
Lincoln, Illinois 62656

b) Mr. Tim Maroulis
Northwestern Contractors, Inc.
1117 West 148th Street
East Chicago, Indiana 46312

4) the period of March 26, 1997 to March 25, 1999:

Ronald A. Wiltsie
d/b/a Wiltsie Construction
210 South Foggit
Edinburg, Illinois 62531

Copies of the Prevailing Wage Act are available at the:

Illinois Department of Labor

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTORS PROHIBITED FROM AN AWARD
OF A CONTRACTOR OR A SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1999 REGULATORY AGENDA

- a) Part(s) Heading and Code Citation: Return of Runaway Children (89 Ill. Adm. Code 329)

1) Rulemaking:

- A) Description: Procedures for coordinating the Department's efforts to locate missing and runaway youth with other agencies will be updated.
- B) Statutory Authority: 20 ILCS 505
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Spring 1999
- E) Affect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Mr. Jerry B. Crabtree
Department of Children and Family Services
Office of Child and Family Policy
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
217.524.1983
FAX: 217.557.0692
E-MAIL: ORPINFO@pop.state.il.us

- G) Related Rulemaking and other pertinent information: None

- b) Part(s) Heading and Code Citation: Unusual Incidents Involving Department Clients, Employees and Facilities (89 Ill. Adm. Code 331)

1) Rulemaking:

- A) Description: The Department will revise these rules to redefine the unusual incidents within the Department and in child care facilities. Reporting requirements for unusual incidents will also be revised.
- B) Statutory Authority: 20 ILCS 505
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1999 REGULATORY AGENDA

D) Date agency anticipates First Notice: Spring 1999

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jerry B. Crabtree
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Office of Child and Family Policy
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
217.524.1983
FAX: 217.557.0692
E-MAIL: ORPINFO@pop.state.il.us

G) Related Rulemaking and other pertinent information: None

c) Part(s) Heading and Code Citation: Diligent Searches Conducted by the Department of Children and Family Services (89 Ill. Adm. Code 332)

1) Rulemaking:

A) Description: The Department will be refiling this rulemaking. The rulemaking was originally published in the *Illinois Register* on November 11, 1997. However, the rulemaking was not adopted prior to its one year expiration. This rulemaking describes the requirements for conducting a diligent search to locate parents of minors in the custody of the Department.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1999

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jerry B. Crabtree
Department of Children and Family Services
Office of Child and Family Policy
406 East Monroe, Station #65
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1999 REGULATORY AGENDA

217.524.1983

FAX: 217.557.0692

E-MAIL: ORPINFO@pop.state.il.us

G) Related Rulemaking and other pertinent information: None

d) Part(s) Heading and Code Citation: Foster Parent Code (89 Ill. Adm. Code 335)

1) Rulemaking:

A) Description: The purpose of this Part is to prescribe the requirements for the annual plans for implementing the Foster Parent Law [20 ILCS 520]. This Part also establishes the process for the approval and monitoring of the annual plans.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1999

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jerry B. Crabtree
Department of Children and Family Services
Office of Child and Family Policy
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
217.524.1983
FAX: 217.557.0692
E-MAIL: ORPINFO@pop.state.il.us

G) Related Rulemaking and other pertinent information: None

e) Part(s) Heading and Code Citation: Appeal of Child Abuse and Neglect Investigation Findings (89 Ill. Adm. Code. 336)

1) Rulemaking:

A) Description: Clarifies time frames for appeals, the appropriate rules of evidence, discovery, and the standard of proof.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- B) Statutory Authority: 20 ILCS 505
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Spring 1999
- E) Affect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Mr. Jerry B. Crabtree
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 Office of Child and Family Policy
 406 East Monroe, Station #65
 Springfield, Illinois 62701-1498
 217.524.1983
 FAX: 217.557.0692
 E-MAIL: ORPINFO@pop.state.il.us

G) Related Rulemaking and other pertinent information: None

- f) Part(s) Heading and Code Citation: Service Appeal Process (89 Ill. Adm. Code 337)

1) Rulemaking:

A) Description: This rulemaking updates the rules to conform with new regulations outlined in P.A. 90-608. Issues of what may be appealed have been revised to conform with federal regulations. Clarifies the role of an Administrative Law Judge.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1999

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jerry B. Crabtree
 Department of Children and Family Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1999 REGULATORY AGENDA

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 406 East Monroe, Station #65
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 E-MAIL: ORPINFO@pop.state.il.us

G) Related Rulemaking and other pertinent information: None

- g) Part(s) Heading and Code Citation: Children's Accounts (89 Ill. Adm. Code 353)

1) Rulemaking:

A) Description: Deletes references to benefits received from the Veteran's Administration prior to October 1, 1978. Increases the amount for establishing a separate account for monies received for a child under guardianship from \$2,000 to \$5,000. Clarifies that reimbursements are to be monthly instead of quarterly.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1999

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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G) Related Rulemaking and other pertinent information: None

- h) Part(s) Heading and Code Citation: Rate Setting (89 Ill. Adm. Code 356)

1) Rulemaking:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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A) Description: Clarifies cost reporting requirements and/or penalties for non-compliance. Clarifies that as a condition of contract renewal or issuance, the Department must receive all required cost reports and audits. Adds language establishing policy regarding rate reimbursement determinations and rate appeals.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1999

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jerry B. Crabtree
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406 East Monroe, Station #65
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E-MAIL: ORPINFO@pop.state.il.us

G) Related Rulemaking and other pertinent information: None

i) Part(s) Heading and Code Citation: Purchase of Services (89 Ill. Adm. Code 357)

1) Rulemaking:

A) Description: Establishes procurement rules provisions for the Department. Clarifies that all contracts are subject to final approval by the Director, and any expenses incurred by the provider prior to execution of the contract are at the risk of the provider. Clarifies cost reporting requirements and/or penalties for noncompliance.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1999 REGULATORY AGENDA

D) Date agency anticipates First Notice: Spring 1999

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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G) Related Rulemaking and other pertinent information: None

j) Part(s) Heading and Code Citation: Licensing Standards for Foster Family Homes (89 Ill. Adm. Code 402)

1) Rulemaking:

A) Description: This Part is being amended to require that all registered weapons and firearms and ammunition be locked up at all times and kept in places inaccessible to children. The amendment will also prohibit unregistered weapons, unregistered guns, or unregistered firearms in foster family homes.

A) Statutory Authority: 20 ILCS 505

B) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 1999

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jerry B. Crabtree
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1999 REGULATORY AGENDA

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E-MAIL: ORPINFO@pop.state.il.us

- G) Related Rulemaking and other pertinent information: None

- k) Part(s) Heading and Code Citation: Licensing Standards for Adoption Only Homes (89 Ill. Adm. Code 409)

1) Rulemaking:

- A) Description: The purpose of this Part is to prescribe the standards for licensure as an adoption only home and to describe how to apply for a license.

- B) Statutory Authority: 20 ILCS 505

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 1999

- E) Affect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Mr. Jerry B. Crabtree

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FAX: 217.557.0692

E-MAIL: ORPINFO@pop.state.il.us

- G) Related Rulemaking and other pertinent information: None

- l) Part(s) Heading and Code Citation: Licensing Standards for Secure Child Care Facilities (89 Ill. Adm. Code 411)

1) Rulemaking:

- A) Description: The purpose of this Part is to prescribe the standards for licensure as a secure child care facility and to describe how to apply for a license.

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- B) Statutory Authority: 20 ILCS 505

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 1999

- E) Affect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

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E-MAIL: ORPINFO@pop.state.il.us

- G) Related Rulemaking and other pertinent information: None

- m) Part(s) Heading and Code Citation: Employee Conflict of Interest (89 Ill. Adm. Code 437)

1) Rulemaking:

- A) Description: The Department will propose amendments to these rules to bring them into compliance with P.A. 90-737, The State Gift Ban Act.

- B) Statutory Authority: 20 ILCS 505

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 1999

- E) Affect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Mr. Jerry B. Crabtree

Department of Children and Family Services

Office of Child and Family Policy

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1999 REGULATORY AGENDA

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- G) Related Rulemaking and other pertinent information: None

HEALTH FACILITIES PLANNING BOARD

JANUARY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Narrative and Planning Policies; 77 Ill. Adm. Code 1100

1) Rulemaking:

- A) Description: Part 1100 will be amended to revise certificate of need criteria, concerning but not limited to the Medical-Surgical/Pediatric, Obstetric, Open Heart Surgery, and Cardiac Catheterization categories of service.

- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960].

- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the State Board prior to *Illinois Register* publication. A June 1999 first notice publication is anticipated.

- E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1100 are not anticipated to have an adverse impact upon healthcare facilities.

- F) Agency contact person for information:

Donald Jones
Illinois Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761-0001
(217)-782-3516
Fax: (217)-785-4308
TTY: 800-547-0466
E-Mail: djones@idph.state.il.us

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Processing, Classification Policies and Review Criteria; 77 Ill. Adm. Code 1110

1) Rulemaking:

- A) Description: Part 1110 will be amended to revise certificate of need criteria, concerning but not limited to the Open Heart Surgery, Non-Hospital Based Ambulatory Surgery, and General Long-Term Care categories of service.

HEALTH FACILITIES PLANNING BOARD

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- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960].
- C) Scheduled meeting/hearing date: A public hearing will be scheduled during the first notice comment period.
- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the State Board prior to *Illinois Register* publication. A June 1999 first notice publication is anticipated.
- E) Affect on small business, small municipalities or not for profit corporations: Proposed amendments to Part 1110 are not anticipated to have an adverse impact upon healthcare facilities.
- F) Agency contact person for information:
 Donald Jones
 Illinois Health Facilities Planning Board
 Division of Facilities Development
 525 West Jefferson, 2nd Floor
 Springfield, Illinois 62761-0001
 (217)-782-3516
 Fax: (217)-785-4308
 TTY: 800-547-0466
 E-Mail: djones1@idph.state.il.us
- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Health Facilities Planning Financial and Economic Feasibility Review; 77 Ill. Adm. Code 1120

1) Rulemaking:

A) Description: Part 1120 will be revised to keep pace with emerging financial changes occurring in the health care marketplace. Amendments will involve the type and scope of review standards utilized for evaluation of a prospective project for financial and economic feasibility.

- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960].

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the State Board prior to *Illinois Register*

HEALTH FACILITIES PLANNING BOARD

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- publication. A June 1999 first notice publication is anticipated.
- E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1120 are not anticipated to have an adverse impact upon healthcare facilities.
- F) Agency contact person for information:
 Donald Jones
 Illinois Health Facilities Planning Board
 Division of Facilities Development
 525 West Jefferson, 2nd Floor
 Springfield, Illinois 62761-0001
 (217)-782-3516
 Fax: (217)-785-4308
 TTY: 800-547-0466
 E-Mail: djones1@idph.state.il.us
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Practice and Procedure in Administrative Hearings; 77 Ill. Adm. Code 1180
- 1) Rulemaking:
- A) Description: Part 1180 will be amended to revise procedural requirements to address the administrative hearing process conducted for contested cases such as denial of applications for permit or revocation of permits.
- B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960].
- C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.
- D) Date agency anticipates First Notice: Amendments for proposal must be approved by the State Board prior to *Illinois Register* publication. A June 1999 first notice publication is anticipated.
- E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1180 are not anticipated to have an adverse impact upon health care facilities.
- F) Agency contact person for information:
 Donald Jones

HEALTH FACILITIES PLANNING BOARD

JANUARY 1999 REGULATORY AGENDA

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525 West Jefferson, 2nd Floor
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E-Mail: djones1@idph.state.il.us

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Public Notice of Opportunity for Public Hearing and Public Hearing Procedures; 77 Ill. Adm. Code 1200

1) Rulemaking:

A) Description: Part 1200 will be amended to revise the procedural rules regarding public hearing requirements for Certificate of Need applications.

B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960].

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Amendments for proposal must be approved by the State Board prior to *Illinois Register* publication. A June 1999 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1200 are not anticipated to have an adverse impact upon healthcare facilities.

F) Agency contact person for information:

Donald Jones
Illinois Health Facilities Planning Board
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525 West Jefferson, 2nd Floor
Springfield, Illinois 62761-0001
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Fax: (217)-785-4308
TTY: 800-547-0466
E-Mail: djones1@idph.state.il.us

G) Related rulemakings and other pertinent information: None

HEALTH FACILITIES PLANNING BOARD

JANUARY 1999 REGULATORY AGENDA

f) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization; 2 Ill. Adm. Code 1925

1) Rulemaking:

A) Description: Part 1925 will be amended to revise rules concerning but not limited to Rulemaking Procedures, Petition for Adoption of Rules, and Organizational Composition of the State Board.

B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960].

C) Scheduled meeting/hearing dates: A public hearing will be scheduled during the first notice comment period.

D) Date agency anticipates First Notice: Proposed amendments must be approved by the Board prior to *Illinois Register* publication. An April 1999 first notice publication is anticipated.

E) Affect on small businesses, small municipalities or not for profit corporations: Proposed amendments to Part 1925 are not anticipated to have an adverse impact upon health care facilities.

F) Agency contact person for information:

Donald Jones
Illinois Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761-0001
(217)-782-3516
Fax: (217)-785-4308
TTY: 800-547-0466
E-Mail: djones1@idph.state.il.us

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PROFESSIONAL REGULATIONS

JANUARY 1999 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)

1) Rulemaking:

A) Description: Various Sections will be amended to address inconsistencies and technical problems and any other changes as may be needed as a result of Sunset Review of the Act.

B) Statutory Authority: [225 ILCS 100]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed architects will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Home Medical Equipment and Services Provider License Act (New Part)

1) Rulemaking:

A) Description: A new Part will be written to implement the Act that created this newly regulated profession in Illinois. The Department is required to promulgate rules to establish licensure standards and procedures for those desiring to be home medical equipment and service providers in Illinois. When the rules are adopted, the Department can start accepting applications.

B) Statutory Authority: [225 ILCS number to be determined]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

DEPARTMENT OF PROFESSIONAL REGULATIONS

JANUARY 1999 REGULATORY AGENDA

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: The effects on businesses providing home medical equipment and services are yet to be determined beyond the fact that licensure will be required.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Interior Design Profession Title Act (68 Ill. Adm. Code 1255)

1) Rulemaking:

A) Description: Professional conduct standards will be established and the interior design curriculum may be modified.

B) Statutory Authority: [225 ILCS 310]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed interior designers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

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- d) Part(s) (Heading and Code Citation): Illinois Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270)

1) Rulemaking:

A) Description: Professional conduct standards and a clarification of the experience and education requirements and any other changes as may be needed as a result of Sunset Review of the Act.

B) Statutory Authority: [225 ILCS 330]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed land surveyors and those seeking licensure.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)

1) Rulemaking:

A) Description: The medical rules will be amended to update Sections regarding approved postgraduate clinical training programs (1285.40), application for examination (1285.50), licensure by endorsement (1285.80), visiting physician permits (1285.101), the renewal Section (1285.120), continuing medical education, and other Sections as may be needed as a result of the 1997 Sunset Review of the Act.

B) Statutory Authority: [225 ILCS 425]

C) Scheduled meeting/hearing date: No hearings have been scheduled,

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but numerous meetings have been held with the Medical Licensing Board and rules will be on the agenda of future Board meetings until the Department's proposed amendments are ready for publication in the *Illinois Register*.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: The effects on licensed physicians are yet to be determined.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

- f) Part(s) (Heading and Code Citation): Naprapathic Practice Act (68 Ill. Adm. Code 1220)

1) Rulemaking:

A) Description: Continuing education rules and other Sections that may need to be revised due to the newness of regulation of this profession.

B) Statutory Authority: [225 ILCS 25]

C) Scheduled meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed naprapaths will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813

DEPARTMENT OF PROFESSIONAL REGULATIONS

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Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)

1) Rulemaking:

A) Description: The pharmacy rules will be updated to conform with the sunset rewrite of the Act in 1997. A new Section will be added for the recordkeeping and reporting of medication errors.

B) Statutory Authority: [225 ILCS 85]

C) Scheduled meeting/hearing date: No hearings have been scheduled, but rules will be on the agenda of future State Board of Pharmacy meetings until the Department's proposed amendments are ready for publication in the *Illinois Register*.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: The effects on pharmacy businesses are yet to be determined.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Physical Therapy Licensing Act (68 Ill. Adm. Code 1350)

1) Rulemaking:

A) Description: Various Sections will be amended to address inconsistencies and technical problems which will include modification of the physical therapy programs and evaluation requirements of these programs.

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B) Statutory Authority: [225 ILCS 90]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physical therapists may be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Professional Engineering Practice Act (68 Ill. Adm. Code 1380)

1) Rulemaking:

A) Description: Various Sections will be amended to address inconsistencies and technical problems and any other changes as may be needed as a result of Sunset Review of the Act.

B) Statutory Authority: [225 ILCS 325]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional engineers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813

DEPARTMENT OF PROFESSIONAL REGULATIONS

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Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

J) Part(s) (Heading and Code Citation): Structural Engineering Licensing Act of 1989 (68 Ill. Adm. Code 1480)

1) Rulemaking:

A) Description: Various Sections will be amended to address inconsistencies and technical problems and any other changes as may be needed as a result of Sunset Review of the Act.

B) Statutory Authority: [225 ILCS 340]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed structural engineers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JANUARY 1999 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) Description: The Teachers' Retirement System ("System") anticipates amending and adding rules in order to clarify issues concerning the benefit program's compliance with applicable law, including implementation of Qualified Illinois Domestic Relations Order legislation, and the administration of disability benefits, optional service, creditable earnings, survivor benefits, and Board elections.

B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code [26 USC 1, et seq.]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Thomas S. Gray, Assistant General Counsel
Teachers' Retirement System
2815 West Washington
P.O. Box 19253
Springfield, Illinois 62794-9253
(217) 753-0375

G) Related rulemakings and other pertinent information: The System is currently in the process of promulgating a rule which was published in Issue 49 of the Illinois Register on December 14, 1998.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notice was received by the Joint Committee on Administrative Rules during the period of January 19, 1999 through January 25, 1999 and has been scheduled for review by the Committee at its February 17, 1999 meeting in Springfield. Please note that the February meeting date has been changed to Wednesday, 2/17/99. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
3/4/99	Department of Revenue, Internet Filing of Illinois Income Tax Returns (86 Ill Adm Code 106)	11/20/98 22 Ill Reg 20001	2/17/99
3/4/99	Housing Development Authority, Affordable Housing Program (47 Ill Adm Code 360)	11/20/98 22 Ill Reg 19977	2/17/99
3/4/99	Department of Human Services, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	7/6/98 22 Ill Reg 11266	2/17/99
3/5/99	Department of Transportation, Procedures and Enforcement (92 Ill Adm Code 386)	11/13/98 22 Ill Reg 19719	2/17/99
3/5/99	Department of Transportation, Motor Carrier Safety Regulations: General (92 Ill Adm Code 390)	11/13/98 22 Ill Reg 19694	2/17/99
3/5/99	Department of Transportation, Qualification of Drivers (92 Ill Adm Code 391)	11/13/98 22 Ill Reg 19724	2/17/99
3/5/99	Department of Transportation, Driving of Motor Vehicles (92 Ill Adm Code 392)	11/13/98 22 Ill Reg 19682	2/17/99
3/5/99	Department of Transportation, Parts and Accessories Necessary for Safe Operation (92 Ill Adm Code 393)	11/13/98 22 Ill Reg 19714	2/17/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

3/5/99	Department of Transportation, Hours of Service of Drivers (92 Ill Adm Code 395)	11/13/98 22 Ill Reg 19685	2/17/99
3/5/99	Department of Transportation, Inspection, Repair and Maintenance (92 Ill Adm Code 396)	11/13/98 22 Ill Reg 19690	2/17/99
3/5/99	Department of Transportation, Driving and Parking (92 Ill Adm Code 397)	11/13/98 22 Ill Reg 19679	2/17/99
3/5/99	Department of Human Services, General Assistance (89 Ill Adm Code 114)	7/6/98 22 Ill Reg 11279	2/17/99
3/5/99	Department of Human Services, Related Program Provisions (89 Ill Adm Code 117)	7/31/98 22 Ill Reg 14060	2/17/99
3/5/99	Department of Human Services, Food Stamps (89 Ill Adm Code 121)	11/13/98 22 Ill Reg 19677	2/17/99
3/5/99	Department of Human Services, Americans with Disabilities Act Grievance Procedure (4 Ill Adm Code 300)	10/16/98 22 Ill Reg 18140	2/17/99

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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